**МІНІСТЕРСТВО ОСВІТИ ТА НАУКИ УКРАЇНИ**

**ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ**

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**English for Lawyers**

Методичні вказівки до практичних занять з дисципліни "Англійська мова" для студентів освітнього рівня "бакалавр" спеціальності 081 Право

Обговорено і рекомендовано

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іноземних мов професійного

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ВСТУП

Методичні вказівки “English for Lawyers” складено відповідно до вимог програми навчання англійської мови (за професійним спрямуванням).

Матеріал вказівок поділено на окремі розділи, кожен з яких містить навчальний текст, фахову лексику та питання розвивального характеру, граматичні вправи.

Крім основних текстів, розрахованих на розвиток фахових мовленнєвих здібностей студентів, до вказівок увійшли професійно спрямовані додаткові тексти, підібрані відповідно до тематики програми. Тексти та різноманітні лексично-граматичні завдання до них можна використовувати для поглиблення фахових знань з іноземної мови та для самостійної роботи студентів.

Основною метою вказівок є розвиток навичок усного мовлення на основі засвоєної юридичної термінології та забезпечення підготовки студентів до самостійного читання, розуміння й перекладу оригінальної літератури юридичного спрямування.

**Module 1**

**A servant of the people**

**Pre - texts**

*“My choice is only my choice”*

**Task 1. Read and t**r**ans**l**a**t**e the text**.

**Legal Professions in Ukraine**

 The Legal Profession Law Institutes and faculties train specialists for Ukrainian Law offices- for courts, Procurator’s Officers, Notary office, the Bar, the organs of the Ministry of the Interior, etc. We know that the profession of a lawyer is not an easy one. Whatever we may become - judges, procurators, investigators, notaries – we shall have to deal with human destinies. The activities of the lawyer in our country are aimed at bringing the conduct of the people, their interrelations, their attitude towards the state and the public organizations into accord with the law and morality. Our lawyers are waging a decisive struggle against criminal phenomena. This struggle consists not only in punishing but also in reeducating offenders. Tremendous work is carried on by the lawyers in rooting out the causes and in eliminating the conditions creating these phenomena. Lawyers also do a lot to prevent crimes. There is a steady decline in crime in our country. But if a crime has been committed it is necessary to find the criminal, to investigate the case carefully and rapidly in order to guarantee the principle of the inevitability of punishment. There is no need to say how responsible all that work is. To carry it out successfully one needs a high general education level and good professional training. Each of us realizes that to become a lawyer one must arm oneself with great and concrete knowledge. It means to study thoroughly, to master the theory of Law and to know the legislation in force. Each of us must constantly raise the cultural level. We must know classical and modern literature and art, regularly attend public lectures, theatrical performances, concerts, etc. Mastering foreign languages greatly contributes to the general education and cultural advance. A lawyer is of course to be a person of high moral qualities. He must strictly keep to the rules of the community, his conduct is to be irreproachable and he must be an example for other people. He is to be truthful honest and just. Every year thousands of graduates from law institutes and law faculties join the great army of those who stand on guard of the interests of our state, of the rights of our citizens and of public order. Our people have a deep feeling of respect for their lawyers. I am proud that I shall become one of them.

**Task 2. Read and memorize the active vocabulary to the text Legal Professions in Ukraine**.

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| --- | --- |
| Law  law office  lawyer  to train specialists  professional training  court  procurator  Public prosecutor (A.E.) procurator's office  the Bar notary  notary office  Ministry of the Interior  Judge  to investigate /thoroughly/ investigator  to deal with human destiny  to serve  servant  in contrast to  relations  interrelation  comradely cooperation  survive  survival  mind  to display oneself  to wage a /decisive/ struggle  to punish  punishment  inevitability of punishment  to educate  to reeducate root  to root out  crime  to commit a crime  to prevent a crime  decline in crime  criminal /n/  criminal /a/  criminal phenomenon /pl.-na/ -  to guarantee  responsible  to cope with  level  general education level  cultural level  to arm oneself with  legislation in force  moral qualities  true  truth  truthful  honour  honest  just  justice  guard  to stand on guard law and order public order to master the theory | закон, право  юридична установа  юрист, адвокат, правник  готувати спеціалістів  професійна підготовка  суд, склад суду  прокурор  прокурор  прокуратура  адвокатура  нотаріус  нотаріальна контора  Міністерство внутрішніх справ суддя  розслідувати / ретельно/ слідчий  мати справу з людськими долями  служити  слуга  на відміну від  відносини  взаємовідносини  товариське співробітництво  пережити  пережиток  розум, думка  проявляти (себе)  вести (рішучу) боротьбу  карати  покарання  не уникнення/ невідворотність покарання виховувати, надавати освіту перевиховувати  корінь викорінювати  злочин  скоїти злочин  запобігати злочину  зниження (спад) злочинності  злочинець  злочинний  злочинне явище /а/ гарантувати, забеспечувати  відповідальний  упоратися з  рівень  загальноосвітній рівень  культурний рівень  озброюватись (чимось)  чинне законодавство  моральні якості  вірний  правда  правдивий  честь  чесний  справедливий  1. справедливість, 2. правосуддя,  3. юстиція, 4. суддя (АМ) варта, охорона стояти на варті правопорядок  громадський порядок оволодіти теорією |

**Task 3. Answer the following questions.**

1. Are you a student of a medical University?
2. What offices does your University train workers for?
3. Where will your graduates work?
4. What will you have to deal with?
5. Will your job be interesting?
6. Do our lawyers wage any struggle against criminal phenomena?
7. What does the struggle against crime consist of?
8. Is there a decline in crime in our country?
9. What must the investigator do if a crime has been committed?
10. What does the lawyer need to cope with in his responsible work?
11. What works must the students study thoroughly?
12. What legislation should the student know very well?
13. What moral qualities must a lawyer have?
14. Are you proud that you'll become a lawyer? Why?

**Task 4. Complete the following expressions choosing a suitable proposition from the list below; find the best way of expressing them in Ukrainian.**

***In, into, of, to, out, on, upon, with***

1. to bring…accord

2. …contrast…

3. to be called…

4. to be…forefront

5. to root …

6. to carry …

7. decline … crime

8. inevitability … punishment

9. to arm oneself …. knowledge

10. to contribute ….

11. to be proud

**Task 5. Translate the following sentences and pay special attention to the underlined words or phrases.**

1. Law Institutes train specialist for law office. 2. It will be not an easy job to deal with human destinies. 3. The lawyer is a servant of the people. 4. The lawyers are waging a decisive struggle against crime. 5. Our main task will be to prevent crime. 6. There was a decline in crime in our region last year. 7. They investigated the case very carefully. 8. He found the criminal who had committed the crime. 9. His work will be very responsible. 10. She coped with her task.11. They have armed themselves with good knowledge. 12. She knows the legislation in force very well.

**Task 6. Ttranslate the phrases in brackets in Ukrainian.**

**Dialogue**

Taras Petrenco, a third-year student of a (юридичного) Institute, was on his way home for his winter vacation. During a stop at a station a woman and a boy entered his compartment. The boy, Ivan by name, was a secondary school (випускник) and the woman, his mother, was a doctor. When they learned that Taras was a law student they began asking him questions about the profession of a (юриста).

*Woman:* What (освітніх закладах) are lawyers trained at?

*Taras:* They (готуються) at law institutes and at law faculties of some universities.

*Ivan:* Are (слідчі) also trained there?

*Taras:* You see, Ivan, an (слідчий) is first of all a lawyer. A lot of our graduates become investigators.

*Woman:* Where else do your graduates work ?

*Taras:* They work at different (юридичні установи): at courts, at Prosecutor offices, at the (адвокатури), at (нотаріальні контори) etc.

*Ivan:* But the work of an investigator is the most interesting, isn’t it?

*Taras:* It is very interesting indeed, but you must not forget that it is also very difficult.

*Woman:* The work of a (суддя), of a (прокурор), of an advocate is not easy either, is it?

*Taras:* It isn't . A lawyer has always to (мати справу з людськими долями) and it’s no easy job, you know.

*Woman:* There is a lot of (злочин) at this period. Perhaps the (покарання злочинців) is isn’t strict enough?

*Taras*: The punishment is strict enough. But the (боротьба із злочинності) consists not only in punishing. The main task is to (запобігати злочину), to root out the causes and to (знищення умов) creating crime.

*Woman*: We all have (глибоку повагу до) our lawyers.

*Taras*: I am very glad I’ll become one of those who stand (стояти на варті прав) of our people, on guard of (правопорядок).

**Task 7. Fill in the blanks with suitable words or word combinations:**

***search,* *preliminary investigation,* *activities,*** ***applied,* *organ,* *to detain,*** ***nature,*** ***resort to,* *in accordance with,* *bodies,* *code,*** ***provided for,*** ***criminal cases,*** ***possesses,*** ***court hearing,*** ***suspected,*** ***evidence.***

***The Investigator /Investigator bodies***

**…..** Ukrainian Legislation, all **2…..** pass through the state of **3…..** before they are brought into the court. The **4…..** of the investigation **5…..** are strictly regulated by the Law. The criminal procedure **6…..** states which **7…..** of investigation may investigate this or that case, what procedure should be **8…..** what rights and duties this organ **9…..** and what methods of collecting and investigating **10……** it may use. The activity of the organ of investigation is of a preliminary **11…..**. Their task is to prepare the case for **12…..** and to facilitate the court collection and investigation of evidence. While discharging his duties, the investigator has the rights**13…..** a person **14…..** of a crime, to question citizens and officials as witnesses to the crime, to make requisite **15…..** and inspections, order expert investigation and **16….** other actions **17…..** by the criminal procedure Law.

**Supplementary tasks**

**Task 1. Give Ukrainian equivalents of the following words and word combinations.**

Law office; to train specialist ; the bar; court; notary office; to deal with human destinies; the Ministry of the Interior; activity; notary; to aim; to con the people; the attitude; to bring into accord with; interrelations; morality; to serve; professional training; in contrast to; to be called upon; servant; to abolish; a fitting position; comradely cooperation; to be in the forefront; phenomenon; to root out; unfortunately; to wage a decisive struggle; the survivals of capitalism; to display; criminal phenomena; to punish; to educate; to eliminate; to reeducate; to carry on; cause; to create; condition; to prevent crime; a steady decline in crime; to commit a crime; to investigate carefully and rapidly; inevitability of punishment; responsible work; to arm oneself with knowledge; general education; to carry out the work; concrete knowledge; to study thoroughly; to master the theory; legislation in force; cultural level; to contribute to; community; to keep to the rules; irreproachable conduct; honest; just; truthful; to join the army; to stand on guard of public order; to have a feeling of respect; to be proud (of).

**Task 2. Make the following sentences interrogative and negative and translate them without a dictionary.**

1. Law Institutes train specialist for law office. 2. It will be not an easy job to deal with human destinies. 3. The lawyer is a servant of the people. 4. The lawyers are waging a decisive struggle against crime. 5. Our main task will be to prevent crime. 6. There was a decline in crime in our region last year. 7. They investigated the case very carefully. 8. He found the criminal who had committed the crime. 9. His work will be very responsible. 10. She coped with her task.11. They have armed themselves with good knowledge. 12. She knows the legislation in force very well. 13. Serov is a person of high moral qualities. 14. They will stand on guard of legality and law and order.

**Task 3. Complete the following disjunctive questions and answer them.**

***Model:*** *a/ You are a student of law…? You are a student of law, aren’t you?*

*b/ He hasn’t committed a crime…? He hasn’t committed a crime, has he?*

1. He has a good professional training… . 2. She is a highly qualified investigator… . 3. You will work at the Procurator’s office… . 4. Pavlo wants to work in the militia… 5. It’s not an easy job… . 6. You will have to deal with human destinies… . 7. Olga worked at a notary office last year… . 8. Your main task is to reeducate the offenders… . 9. The criminal was strictly punished…. 10. We are rooting out the causes of crime… . 11. There is a decline in crime… . 12. The crime has been prevented… . 13.He didn’t investigate the case carefully… . 14. The principle of the inevitability of punishment will be guaranteed… . 15. He is a person of a high cultural level… .16. You know the legislation in force… . 17. He isn’t a person of high moral qualities… . 18.We shall stand on guard of legality and law and order... .

**Task 4. Give English equivalents of the following Ukrainian words and word combination.**

Професiйна пiдготовка; готувати спецiалiстiв; адвокатура; людськi долi; нотарiус; суддя; юридична установа; Мiнiстерство внутрiшнiх справ; прокуратура; мати справу з людьми; легка робота; слуга народу; взаємовiдносини людей; служити людям; товариське спiвробтництво; злочиннi явища; вести боротьбу; проявлятися; рiшуча боротьба; карати злочинця; запобiгати злочину; перевиховувати правопорушникiв; викорiнювати причини злочинiв; зменшення злочинностi; лiквiдувати умови; здiйснити злочин; ретельно розслiдувати справу; швидко знайти злочинця; не уникнення покарання; справитися з роботою; вiдповiдальна робота; загальноосвiтнй рiвень; озброїтись знаннями; оволодiти теорiєю; дiюче законодавство; культурний рiвень; моральнi якостi; приклад для iнших; чесна, правдива та справедлива людина; стояти на вартi; iнтереси держави; громадський порядок; права громадян; правопорядок.

**Task 5. Translate into English.**

1. Юристiв готують в юридичних iнститутах та на юридичних факультетах деяких унiверситетiв. 2. Юристам доводиться мати справу з людськими долями, a це нелегка робота. 3. Боротьба з злочиними явищами складається перш за все з попередження злочинностi у викорiненнi причин та лiквiдацiї умов, якi породжують цi явища. 4. Щоб забезпечити принцип не уникнення покарання, необхiдно швидко знайти злочинця та ретельно розслiдувати справу. 5. Щоб впоратись з своєю вiдповiдальною роботою юристу неохiдний високий загальноосiвтнiй рiвень та хороша професiйна пiдготовка. 6. Майбутнi юристи повиннi озброїтись хорошими знаннями в стiнах iнституту. 7. Студенти - юристи повиннi ретельно оволодiти теорiєю права та знати дiюче законодавство. 8. Юрист повинен бути людиною з високими моральними якостями, його культурний рiвень повинен бути дуже високим. 9. Ми будемо стояти на вартi законностi та правопорядку. 10. Наш народ глибоко поважає людей, що стоять на вартi законностi та правопорядку. 11. Ми вступаємо до лав тих, хто охороняє iнтереси нашої країни, права та iнтереси її громадян.

**Task 6. Substantiate the following statements.**

1. The profession of a lawyer is interesting and not easy.

2. The lawyer is a servant of his people.

3. Lawyer are in the forefront of the struggle for rooting out the survivals of capitalism from people’s minds.

4. The principle of the inevitability of punishment must be guaranteed by the lawyer. 5. The lawyer is to possess particular human qualities.

6. The lawyers general and special education level is to be very high.

7. The lawyer must constantly raise his cultural level.

8. We are proud to become lawyers.

**Task 7. Read and translate the text. Write down all the unknown words and word expressions.**

**The Investigator /Investigator bodies**

 In accordance with Ukrainian Legislation, all criminal cases pass through the state of preliminary investigation before they are brought into the court. The activities of the investigation bodies are strictly regulated by the Law. The criminal procedure code states which organ of investigation may investigate this or that case, what procedure should be applied what rights and duties this organ possesses and what methods of collecting and investigating evidence it may use. The activity of the organ of investigation is of a preliminary nature. Their task is to prepare the case for court hearing and to facilitate the court collection and investigation of evidence. While discharging his duties, the investigator has the rights to detain a person suspected of a crime, to question citizens and officials as witnesses to the crime, to make requisite search and inspections, order expert investigation and resort to other actions provided for by the criminal procedure Law. The Procurator’s Office of Ukraine, the Ministry of the Interior of Ukraine and Security Service of Ukraine have their own investigation departments. They differ from one another chiefly in the scope of their competence. Their competence is defined in the Criminal Procedure Code. Briefly, it may be summed up as follows:

1) Investigators from the Procurators Office have the right to investigate any case, but in actual fact they carry out inquiries into the gravest crimes (murder, banditry, etc) and also into cases of malfeasance and juvenile delinquency;

2) Investigators from the Ministry of the Interior have the right to institute proceedings against persons who have committed any crime, but in cases that come within the competence of the investigators of the procurator’s office;

3) Investigators from the Security Service are charged with investigating cases of espionage and other especially dangerous crimes against the state. Thus, the preliminary investigation is oriented at detecting crime, at disclosing and exposing person guilty of them, at ascertaining all the prevention measures.

The investigators job is to prepare the materials of the case in hand for its adjudication in court. For this reason law says that the preliminary investigation has as its purpose the speedy and complete disclosure of crime, the exposure of the guilty so that every person who commits a crime shall be charged or punished. In other words, the preliminary investigation is called upon to facilitate the objective and comprehensive administration of justice.

**Task 8. Answer the following questions.**

1. What stage do the criminal cases pass through before they are heard in court?

2. What bodies have investigation departments?

3. What are the actions of the investigation bodies regulated by?

4. What cases do the investigators from the Procurators Office investigate?

5. What grave crimes do you know?

6. What actions do the investigators from the Ministry of the Interior do in cases of grave crime?

7. What cases do the investigators of the militia bodies usually hold inquiries into?

8. What crimes do you consider not very dangerous?

9. By whom are especially dangerous crimes against the state investigated?

10. What is the main task of an investigator?

11. What actions may the investigator undertake while holding an inquiry of a case? 12. What is the preliminary investigation called upon?

13. Does the investigator himself transfer the case and the indictment to the court? Who does it?

14. What does the investigator do if he suspects a person of a crime? 15. Would you like to become an investigator?

**Task 9. Read the dialogue and act them.**

Dialogue

Yuri Petrenko got an appointment to the Procurator’s Office of his native town. He rang up Victor, his former school – mate who was a student at the Medical Institute and told him about his appointment. In the evening the two friends met and had a talk about Yuri’s future work. Here is some of the conversation that took place this evening. Victor : So you will work at. Procurator’s Office of our district. What will you do there?

Yuri: ‘I’ll work as an investigator.

V: ‘I’ve always been sure that investigators belong to the militia.

Y: ‘You see, Victor, both the Procurator’s Office and the militia have their own investigation departments.

V: Is there any difference in their work?

Y: The main task of all the investigators is to detect crimes and to expose persons guilty of them. But the investigator from the Procurators Office usually carries out inquiries into the gravest crime.

V: What crime do you call “the gravest”?

Y: There are such crimes as murder, embezzlement on a large scale, banditry, rape, etc.

V: And if, let’s say a murder has been committed, the militia hasn’t the right to investigate it, has it?

Y: It has. The investigators from the militia have the right to investigate any criminal case. But in cases of grave crimes they usually only perform urgent actions and them transfer the case to the investigators of the Procurators Office.

V: I see. And do the investigators from the Procurators Office also investigate such grave crimes as let’s say espionage?

Y: They don’t. Especially dangerous crimes against the state are investigated by the investigators of the Security Service of Ukraine.

V: And what crimes does the militia investigate?

Y: The investigators from the militia usually hold inquiries into less dangerous crimes, such as theft, burglary, bribery, swindle, etc.

V: The work of an investigator is very responsible, isn’t it? Y: It is. He is to conduct the investigation in such a way that every person guilty of a crime shall suffer a just punishment and no innocent person shall be charged.

V: What does the investigator do after completing the investigation of a case?

Y: He submits it to the procurator. If the procurator agrees with the indictment, he approves it and transfers the case to the court. The preliminary investigation is called upon to facilitate the objective and comprehensive administration of justice.

**Task 10. Read and learn the words.**

|  |  |
| --- | --- |
| Investigation  Investigation bodies  to conduct /carry out an investigation  preliminary investigation  to investigate /a case/  investigator  inquiry  to hold /carry out/ an inquiry  to question  to interrogate  interrogation  in accordance with legislation  crime  to commit a crime  to detect a crime  to be guilty /of a crime/  especially /most/ dangerous crime  grave crime  criminal  criminal procedure code  evidence  murder  embezzlement  rape  banditry  malfeasance  juvenile delinquency  theft; (юрид.) larceny  to commit a theft /larceny/  burglary  thief  to steal /stole-stolen/  bribe  to bribe smb.  to take bribes  bribe taker  bribery  militia bodies  procurator  procurators office  Ministry of the Interior  to empower  to discharge one’s duties  to detain  to suspect of a crime  search  to make /conduct/ a search  expert examination /investigation/  to institute proceedings against  espionage  disclose /expose/  disclosure /exposure/  to ascertain the circumstance  crime preventing measures  adjudication in court  innocent  charge  to charge  to punish  punishment  to suffer a just punishment  to be called upon  to facilitate the administration of justice | -слідство, розслідування  - слідчі органи  – вести слідство  – попереднє слідство  - розслідувати (справу)  - слідчий  - розслідування; дізнання  - проводити розслідування; дізнання  - допитувати; опитувати;  - допитувати  - допит  - у відповідності з законодавством  -злочин  - скоїти злочин  - розкрити злочин  - бути винним /в злочині/  - особливо небезпечний злочин  - тяжкий злочин  -.злочинець, злочинний,  - кримінально-процесуальний кодекс  - доказ  - вбивство  - привласнення майна, розтрата  - згвалтування  - бандитизм  - посадовий злочин  - злочинність неповнолітніх  - крадіжка  - скоїти крадіжку  - крадіжка зі зломом  - крадій  - красти  - хабар  - дати кому-небудь хабар  - брати хабарі  - хабарник  - хабарництво  - органи міліції  - прокурор  - прокуратура  - Міністерство внутрішніх справ  - уповноважити  - виконувати свої обов’язки  - затримувати, взяти під охорону  - підозрювати у злочині  - обшук, розшук  - здійснювати обшук  - експертиза  - порушувати справу проти  - шпигунство  - розкривати, викривати  - розкриття, викриття  - з'ясовувати обставини  - заходи запобігання злочинів  - винесення судового рішення  - невинний  - звинувачення  - звинувачувати  - карати  - покарання  - понести справедливе покарання  -бути покликаним  - сприяти здійненню правосуддю |

**Task 11. Give English equivalents of the following words and word combinations.**

Попереднє слідство; у відповідності до законодавства; скоїти злочин; проводити розслідування злочину; слідчий відділ прокуратури; слухати справу у судді; кримінальна справа; тяжкий злочин; розкрити злочин; невинна людина; робити обшук; особливо небезпечний злочин; засоби попередження злочину; затримання злочинця; сприяти правосуддю; справедливе покарання; шпигунство; Міністерство внутрішніх справ; допросити свідка; крадіжка; докази; дати кому-небудь хабар; покарати злочинця; порушити проти когось кримінальну справу; крадіжка зі зломом; проводити експертизу; органи міліції; хабар; вбивство; понести покарання; викрити злочинця; бути винним у злочині; хабарник; підозрювати у злочині; передавати справу; починати терміново дії; шахрайство; кримінальнопроцесуальний кодекс; затвердити обвинувачення. **Task 12. Give Ukrainian equivalents of the following words and word combinations.**

To conduct an investigation; in accordance with; to commit a crime; rape; to discharge ones duties; to ascertain the circumstances; to facilitate the administration of justice; investigation bodies; to detect a crime; banditry; to detain a criminal; crime preventing; dangerous crime; to carry out an inquiry into a crime; especially to make a search; an innocent man; preliminary militia bodies; to charge a person with a crime; to investigate a criminal case; to conduct an expert examination; to institute criminal proceedings against snub; criminal procedure code; to punish a criminal, evidence; Ministry of the Interior; espionage; a just punishment; murder; state security; to expose a criminal; to suffer a punishment; to empower somebody; to be called upon; to be guilty of a crime; to perform urgent actions; to transfer a case; to disclose a criminal; to undertake actions; to suspect somebody of a crime; to submit a case to ..; indictment; malfeasance; to interrogate a witness; to commit a larceny; to hold an inquiry into a burglary; to detain a thief; to institute proceedings against a swindler; to suffer speculators flat.

**Task 13. Finish the following disjunctive questions.**

1) All criminal cases pass through the state of preliminary investigation before they are heard in court, …?

2) Both the Procurators Office and Ministry of the Interior have their own investigation departments, …?

3) His task is to detect the crime and to expose persons guilty of it, …?

4) This grave crime will be investigated by the Procurators Office, …?

5) Rape is one of the gravest crimes, …?

6) The crime has been detected, …?

7) The case is to be transferred to the Procurators Office,…?

8) He isn’t suspected of murder,…?

9) He will suffer a just punishment,…?

10) He ordered an expert examination,…?

11) The preliminary investigation has not yet been completed,…?

12) She is innocent,…?

13) She was questioned as witness to the crime,…?

14) This action is not provided for by the criminal procedure law,…?

15) Your main task is to prepare the case for court hearing,…?

16) The investigator has instituted criminal proceedings against him,..?

17) There wasn’t enough evidence to prove him guilty of the crime,…?

18) We are called upon to facilitate the objective and comprehensive administration of justice,..?

19) The procurator will agree with the indictment,..?

**Task 14. Translate the sentences without a dictionary paying special attention to underlined word combinations.**

1. Criminal cases pass through preliminary investigation before they are heard in court. 2. The investigators from the Procurator office carry out inquiries into the gravest crimes. 3. The investigators from the Ministry of the Interior may institute proceedings against persons who have committed any crime. In cases of grave crimes they only perform urgent actions. 4. The investigators, job is to detect crimes and to disclose and expose persons guilty of them. 5. Every person who commits a crime must suffer a just punishment. 6. The man you are speaking about is suspected of crime 7. She will be questioned as a witness of the crime. 8. The action is provided for by the criminal procedure law. 9. The main task of the investigators is to prepare a criminal case for court hearings. 10. All investigators are called upon to facilitate the objective and comprehensive administration of justice. 11. If the procurator agrees with the investigators indictment he approves it and transfers the case to the court.

**Task 15. Fill in the blanks with suitable words or word combinations the vocabulary of the topic.**

1. In … Ukrainian legislation all …cases pass through the state of … investigation before they are … in court. 2. The investigators task is to … a crime, to … persons guilty of crime and to … the case for … hearings. 3. The investigators found the man guilty of the crime and … criminal proceedings against him. 4. His guilt has been proved and he will … a just punishment. 5. Banditry is a …crime. 6. There was not enough … and the investigator ordered an … examination. 7. In case of grave crime the investigator of the Ministry of the Interior usually perfumes …actions and … the case to the investigator of ……. 8.He was a …as a witness to the crime. 9. If you are sure of his guilt you must institute … … against him. 10. It there enough evidence to prove his … of the crime? 11. The investigator is called upon to … the objective and comprehensive … of justice. 12. The procurator did not approve the … and the case was not transferred to the court.

**Task 16. Speak of the work of an investigator using the following key words and combinations.**

To pass through the stage of … , investigator departments; inquiries into the gravest crimes; less dangerous crimes; urgent actions; to transfer the case; to detect crimes; to expose; just punishment; to have the right; to provide for; to prepare the material; to facilitate.

**Task17. Read and translate the text. Write down all the unknown words and word expressions.**

**The Procurator**

Under the Constitution of our state supreme supervisory power to ensure the strict observance of the law by all ministries, institutions, organizations, as well as officials and citizens generally is vested in the Procurator – General of Ukraine, who is appointed by the Supreme Council of the Ukraine.

Procurator’s offices set up in the regions, districts by the corresponding procurators, appointed by the Procurator General of Ukraine.

The procurator’s activity takes the following forms:

1. supervision of the strict observance of the laws by all ministries, departments and local government bodies, officials and citizens generally;

2. supervision of the observance of legality by the organs conducting inquiries and preliminary investigation;

3. supervision of the legality of the grounds for judicial judgements, decisions;

4. supervision of the observance of the legality of keeping convicted persons in places of confinement;

Let us touch upon some rights and duties of the procurator. Preliminary investigations or inquiries are conducted in most, criminal cases before they are examined in court. Supervision over the strict implementation of the law by investigators is exercised by the procurator. He must see to it that no citizen is subjected to unlawful and ungrounded criminal prosecution, or to any other unlawful restriction of his rights. By law no person can be arrested except by court order or with the sanction of a procurator.

The procurator discharges important functions in the trial of criminal and civil cases, but he is not empowered to issue any instructions to the court regarding the adjudication of a case justice in Ukraine is administered by the court alone.

Like other participants in the trial (defence council, injured party and others) a procurator may question eyewitnesses and other persons interrogated in court, participate in the investigation of evidence in court, submit fresh evidence in court, challenge the members of the court and other participants of the trial. As soon as the court investigation is over, he pronounces an indictment. If he disagrees with the court’s judgement, he may lodge his protest in a higher court, which passes a final decision on his protest.

The procurator has broad power of supervision over the observance of legality in places of confinement: he verifies the legality of keeping persons in places of confinement, he checks up if convicted persons are released at the right time, he ensures that the statutory regime rules and the rules of labor for convicted persons are observed, he supervises the state of educational work, etc.

**Task 18. Translate the following sentences into English.**

1. До того, як кримінальна справа слухається в судді, вона проходить стадію попереднього слідства. 2. В прокуратурі та міліції є слідчі відділи. 3. Слідчі прокуратури зазвичай проводять розслідування тяжких злочинів, таких як вбивство, бандитизм, згвавтування, т.д. 4. Слідчі Міністерства внутрішніх справ розслідують менш небезпечні злочини, такі як крадіжки, шахрайство, т.д. 5. Проти осіб, які скоїли кримінальний злочин, порушується кримінальна справа. 6. Якщо скоєно тяжкий злочин, слідчі МВС зазвичай здійснюють невідкладні дії і потім передають справу слідчим прокуратури. 7. Особливо небезпечні злочини проти держави розслідуються слідчими СБУ. 8. Слідчий зобов’язаний не тільки розкрити злочин і викрити осіб, винних у його скоєні, а й підготувати справу для судового розгляду. 9. Кожен, хто скоїв злочин, повинен понести справедливе покарання. 10. Жоден невинний не повинен бути обвинувачений чи покараний. 11. Слідчий повинен вияснити всі обставини справи. 12. Ми повинні приймати заходи запобігання злочинів. 13. При виконанні зобов’язань слідчий має право затримати осіб, що підозрюються у злочині. Він може допитувати громадян та посадових осіб як свідків злочину, робити обшук та призначати експертизу. 14. Слідчий може здійснювати будь-які дії, передбачені кримінально-процесуальним кодексом. 15. Попереднє слідство повинно сприяти об’єктивному та всебічному здійсненню правосуддя.

Grammar Review

**I. Arrange the following group of words into sentences.**

1. at/the/rarely/weather/is/this/time/cold/year/the/of.

2. to/my/little/sister/do/not/cold/give/water.

3. mother/often/to/theatre/not/the/go/my/does.

4. it/November/often/in/rains.

5. school/the/generally/do/at/their/children/homework.

6. old/can/what/say/you/understand/that/hardly/man.

7. arrived/Jean/last/Spain/in/week

8. Annie/Robert/phone/minute/in/will/a

9. to/last/David/parents/wrote/night/his

10. mother/not/his/today/well/is/very

11. the/will/Browns/a/have/year/holiday/this

12. Boris/a/gave/Nadya/ring/wedding

13. yesterday/restaurant/we/to/Indian/decided/go/an/to

14. summer/she/in/visited/France/friend/her/last

15. lot/ of/bus/get/work/to/a/by/people

**II. Put the verbs in brackets into the Past Simple.**

1. \_\_\_\_\_ you\_\_\_\_ out last night or\_\_\_\_ you too tired? (do/go/be)

2. They\_\_\_\_ able to come because they\_\_\_\_\_ so busy. (not/be/be)

3. \_\_\_\_\_\_ the weather good when you \_\_\_\_\_\_ on holiday? (be/be)

4. I \_\_\_\_\_\_\_ angry because they \_\_\_\_\_\_ late. (be/be)

5. What \_\_\_\_\_\_ you\_\_\_\_\_\_\_at the weekend ? (do/do)

6. \_\_\_\_\_\_you\_\_\_\_\_\_\_out last night? (do/go)

7. We\_\_\_\_\_\_them to our party but they\_\_\_\_\_\_\_ not to come. (invite/decide)

**III. Choose the word (a,b,c) that best completes the sentence.**

1.I … to the cinema last week. *a) go b) went c) will go*

2.The boy usually … good marks when he was a first-year student. a*) get b) got c) will get*

3. Mary and her sister … chess every evening but today they are going to the theatre. a) play b) played c) will play

4. She … very early two days ago. *a) wake up b) woke up c) will wake up*

5. He … a new TV film tomorrow. *a) see b) saw c) will see*

6. Some years ago the trains … at this station. *a) stop b) stopped c) will stop*

**IV. Choose the word (a, b) that best completes the sentence.**

1. When did they … to learn English? *a) begin b) began*

2. Did the students … to the University yesterday? *a) go b) went*

3. Who … here last year? *a) live b) lived*

4. When did the girl … cold? *a) catch b) caught*

5. Why did you … a teacher? a) become b) became

6. The teacher repeated the question, … he? *a) did b) didn’t*

7. The boy caught the cold,… he? *a) did b) didn’t*

8. The students didn’t answer at once,… they? *a) did b) didn’t*

9. In summer we picked berries and mushrooms, … we? *a) did b) didn’t*

10. Nick … at home at that time. *a) was b) were*

11. You … angry with me. *a) was b) were*

12. The students …at the stadium yesterday. *a) was b) were*

13. When … you born? *a) was b) were*

14. What … on at the cinema? *a) was b) were*

15. Where … you at 3 o’clock yesterday? *a) was b) were*

**Module 2**

**Systems of Government**

**Pre - texts**

*“Morality in government begins with officials”*

**Task 1. Read and t**r**ans**l**a**t**e the text*.***

**The State System of Ukraine**

Ukraine is the sovereign independent state. The first step towards its sovereignty was made on July 16 1990, when the Supreme Council of Ukraine proclaimed its independence. About 91% of the people who took part in the All-Ukrainian referendum, held on December 1 1991, voted in favour of Ukraine’s independence.

The territorial structure of Ukraine is composed of the Autonomous Republic of Crimea and 24 oblasts. Kyiv, the capital of Ukraine, and Sevastopol possess a special status determined by law.

Under the Constitution of Ukraine the state power is divided into three branches - the legislative, the executive and the judicial.

The President of Ukraine is the head of the state and speaks on behalf of it. He is also a Commander-in-Chief of the Armed Forces of Ukraine and presides over the Council of National Security. The President of Ukraine is elected directly by the voters for a term of 5 years with no more than two full terms.

The President of Ukraine

* secures state independence, national security, human rights and freedoms;
* represents the state in foreign relations, conducts negotiations and concludes international treaties of Ukraine;
* signs laws adopted by the Verkhovna Rada;
* appoints and discharges the Procurator General of Ukraine with the consent of Verkhovna Rada.
* The one-housed parliament - the Verkhovna Rada is the only body of the legislative power in Ukraine. There are 450 people’s deputies who are elected for a term of 5 years on the basis of universal, equal and direct suffrage by secret ballot. Successive elections of the Verkhovna Rada shall be conducted on the last Sunday of last month of the fifth year of the term of the parliament.

The Verkhovna Rada works on a session basis. Regular sessions are commenced each year on the first Tuesday of February and on the first Tuesday of September. The presiding officer is the Chairman of the Verkhovna Rada.

The Verkhovna Rada’s main function is making laws. Law draft work is performed in Committees.

The Verkhovna Rada appoints:

* the Prime-Minister according to the proposition of the President with the consent of the majority or the coalition of deputies’ groups of the Verkhovna Rada;
* members of the Cabinet according to the proposition of the Prime­Minister;
* Minister of Defence, Minister of Foreign Affairs according to the proposition of the President.

The Verkhovna Rada adopts the State Budget for the period from January 1 to December 31 and controls the execution of it.

The highest body of the executive power is the Cabinet of Ministers of Ukraine. It is responsible to the President and to the Verkhovna Rada and is accountable to the Verkhovna Rada.

The Cabinet of Ministers of Ukraine:

* carries out the domestic and foreign policy of the State, the fulfillment of the Constitution as well as the acts of the President;
* develops and fulfills national programs on the economic, scientific and technological, social and cultural development of Ukraine;

The executive power in oblasts and rayons is exercised by local state administrations. The President of Ukraine appoints the heads of state administrations and discharges them from these positions.

Justice in Ukraine is exercised entirely by courts. It is administered by the Constitutional Court and by the courts of general jurisdiction. The Supreme Court of Ukraine is the highest juridical body of general jurisdiction.

**Task 2. Read and memorize the active vocabulary to the text *The State System of Ukraine.***

|  |  |
| --- | --- |
| sovereign  sovereignty  to proclaim  to hold, held, held  to take part  in favour of  on behalf of  to elect  to be elected  to vote  voter  to secure  to conduct  negotiation  to conclude treaty  to appoint  with the consent of  bodies of local state administration  to discharge  Commander-in-Chief  to preside over  the Council of National Security  to sign  people’s deputy  on the basis of  universal  direct suffrage  by secret ballot  successive elections  session  to commence  presiding officer  law draft work  State Budget execution  to be responsible to  to be accountable to  to carry out  domestic policy  foreign policy  to fulfill  fulfillment  to administer  general jurisdiction  juridical | суверенний, незалежний  суверенітет  проголошувати  проводити (збори)  приймати участь  за, на користь  від імені  обирати  обиратися  голосувати  виборець  забезпечувати  вести, керувати  переговори  укладати договір  призначати  за згодою  ограни місцевої держадміністрації  звільняти  головнокомандуючий  головувати  Рада національної безпеки  підписувати  народний депутат  на основі  універсальний  пряме виборче право  таємне голосування  наступні вибори  сесія  починати  головуючий  робота над законопроектом  державний бюджет виконання  бути відповідальним перед  бути підзвітним перед  виконувати  внутрішня політика  зовнішня політика  виконувати, втілювати  виконання  управляти,вести,забезпечувати загальна юрисдикція  юридичний, законний, судовий |

**Task 3. Answer the following questions.**

1. When did Ukraine get its independence?

2. What is the territorial structure of Ukraine?

3. What cities have a special status?

4. What are the main branches of state power?

5. What are the functions of the President?

6. How many terms can the President of Ukraine hold his office?

7. What body is the highest body of the legislative power?

8. For what term are the people’s deputes elected?

9. What are the main functions of the Verkhovna Rada?

10. What body adopts the State Budget and controls the execution of it?

11. What body is the highest body of the executive power?

12. What are the main functions of the Cabinet of Ministers of Ukraine?

13. What bodies is the executive power in oblasts and rayons exercised by?

14. What courts is justice exercised in Ukraine by?

15. What court is the highest juridical body of general jurisdiction?

**Task 4. Fill in the blanks with the appropriate preposition.**

a. to carry … the policy

b. to take part … the demonstration

c. in favour …

d. to discharge … the post

e. … the Constitution

f. according … Criminal Procedure Code

g. to preside … the meeting

h. … behalf of i. to be responsible … the President

j. to be accountable … the parliament

k. … the consent of Verkhovna Rada

**Task 5. Translate the following sentences and pay special attention to the underlined words or phrases.**

1.June, the 28th is a state holiday – the Day of the Constitution of Ukraine.

2.The Verkhovna Rada works on a session basis.

3.Law drafting work is performed in the committees of the Verkhovna Rada.

4.The monetary unit of Ukraine is the Hryvna.

5.The President of Ukraine enjoys the right of immunity during the period of his authority.

6.The Constitutional Court of Ukraine issues on constitutionality of laws and other legal acts, i.e. their correspondence to the Constitution.

**Task 6. Ttranslate the phrases in brackets in Ukrainian.**

1. The Chairman of the Verkhovna Rada (веде засідання верховної Ради та організовує її роботу).

2. The Verkhovna Rada of Ukraine hears annual messages of the President (про внутрішнє та зовнішнє становище України).

3. Providing for stability of currency (є основною функцією Національного Банку України).

4. The President of Ukraine (призначає голів центральних органів виконавчої влади).

5. The Cabinet of Ministers of Ukraine (іде у відставку, коли обрано нового президента).

6. The Procurator General of Ukraine oversights (за дотриманням законів).

**Task 7. Complete the following.**

The President of Ukraine (забезпечує державну незалежність, національну безпеку і правонаступництво держави, представляє державу в міжнародних відносинах, веде переговори та укладає міжнародні договори України, призначає та звільняє з посади за згодою Верховної Ради України Генерального прокурора України, членів Кабінету Міністрів, голів центральних органів виконавчої влади, а також голів місцевих державних адміністрацій та звільняє їх з цих посад, головує в Раді Національної Безпеки України, підписує закони прийняті Верховною Радою).

**Task 8. Change each sentence by choosing an appropriate synonym from the list below for the underlined words.**

*speaker, matters, meetings, exercising, house, organ, post, head, electors*

1. The Supreme Court of Ukraine is the highest juridical **body** of general jurisdiction. 2. **The President** of Ukraine signs laws adopted by the Verkhovna Rada.

3. Ukrainian parliament has one **chamber**.

4. The Verkhovna Rada adopts the State Budget and controls its **execution**. 5. The President of Ukraine is elected directly by the **voters** for a term of five years with no more than two full terms.

6. The Verkhovna Rada elects the **Chairman** from its membership.

7. No one can discharge him from his **office**. 8. The Constitutional Court of Ukraine resolves **issues** on their correspondence to the Constitution. 9. Regular **sessions** of the Verkhovna Rada are commenced each year on the first Tuesday of February and on the first Tuesday of September.

**Task 9. Match the words on the left with their definitions on the right. Use them in the sentences of your own.**

|  |  |
| --- | --- |
| 1.court | a) a leader of a republic; often used as a title |
| 2.budget | b) reaching an agreement or settling a dispute by formal discussion |
| 3.president | c) the money that is available to a government and a plan how it will be spent over a given period of time |
| 4.parliament | d) a place where legal trial takes place and are judged |
| 5.negotiation | e) the group of people who are elected to make the laws of the country |

**Supplementary tasks**

**Task 1. Read and combine the two halves of each sentence.**

|  |  |
| --- | --- |
| 1. Ukraine is | a) has special status as an autonomous republic. |
| 2. The president is | b) of Ukraine in 1990. |
| 3.Ukraine’s parliament | c) based on the rule of law. |
| 4. The Crimea | d) the Commonwealth of independent states. |
| 5.Ukrainian became the official language | e) a commander-in-chief of the military. |
| 6. In 1922 Ukraine began creating a legal system | f) a democratic state |
| 7.Ukrainealso joined | g) for a four-year term |
| 8. The people of Ukraine elect President | h) is the nation’s lawmaking body |

**Task 2. Read and translate the text. Write down the unknown words and words expressions. Put 10-15 questions to the text.**

**The Court System of Ukraine**

Under the Constitution the judiciary in Ukraine is administered by the Constitutional Court and by the courts of general jurisdiction.

The Constitutional Court has the right to declare unconstitutional any law passed by Supreme Council of Ukraine or any order issued by the President. It consists of 18 judges who are elected by the President of Ukraine, the Verkhovna Rada and the congress of judges.

Courts of general jurisdiction have three tiers, like a pyramid: the district courts, the courts of appeals and the Supreme Court of Ukraine.

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There are also special trial courts that have jurisdiction over certain types of cases. The special trial courts are organized in a system that looks like the system of courts of general jurisdiction with a Supreme Court at the top. The structure is the following: there are district administrative and economic courts, appellate administrative and economic courts, and high appellate administrative and economic courts.

The first appointment to the office of the judge is done by the President of Ukraine. All the other judges except the judges of the constitutional court are elected by the Verkhovna Rada. Judges shall hold office until they die, retire, or resign.

**Task 3. Read the text and fill the spaces with the appropriate words and word combinations which are given after the text.**

***the legislature, fairly country, control, three, democracies, run, the executive***

**Systems of Government**

For the last century or so, the world has been divided into countries, each ruled by a government. Governments vary from harsh dictatorships to liberal**1.** ..., but they are all intended to **2.** ... in the particular way the country and its people and to **3.**... their affairs.

Every **4.**... has its own system but the government is usually split into **5.**... sections: the legislature,**6.** ... and the judiciary. **7.**... usually amends laws and makes new ones; the executive puts them into effect, and the judiciary makes sure they are applied.

**Task 4. Read the texts and make the written translation of the texts into Ukrainian.**

**Systems of Government**

**Autocracies**

In an autocracy, a single person or a small group holds all the power. In Iran, Islamic religious leaders hold power; in others, it belongs to the army. A dictator is someone whose word is law, like Hitler in Nazi Germany.

**Modern Democracies**

Today, democracy usually means an elected government made up of politicians voted into power every few years by all adults. Most democracies have a written set of laws called a constitution setting out how the government should be run. Britain does not have one. Some democracies, like France, are republics. It means (hat the head of a slate is not a king but an elected president. In the USA, the president is very much in charge.

In other republics, however, the president is just a figurehead and the country is run by a chancellor or prime minister. Britain, Spain and many other democratic countries are still monarchies - that is they have a king or a queen. But the monarch's powers are limited and the country is run by a government led by a prime minister. The government is made up from the party with majority of elected members.

**Politics**

People who stand for election are called politicians. Left-wing politicians aim to change things, perhaps to make government more democratic or to bring in socialist ideas. Right-wing politicians aim to conserve or keep the system without changes, which is why they are called conservatives. Usually politicians with similar views join a group called a party. In most democratic countries, the party with the majority of votes forms a government.

**Political Systems**

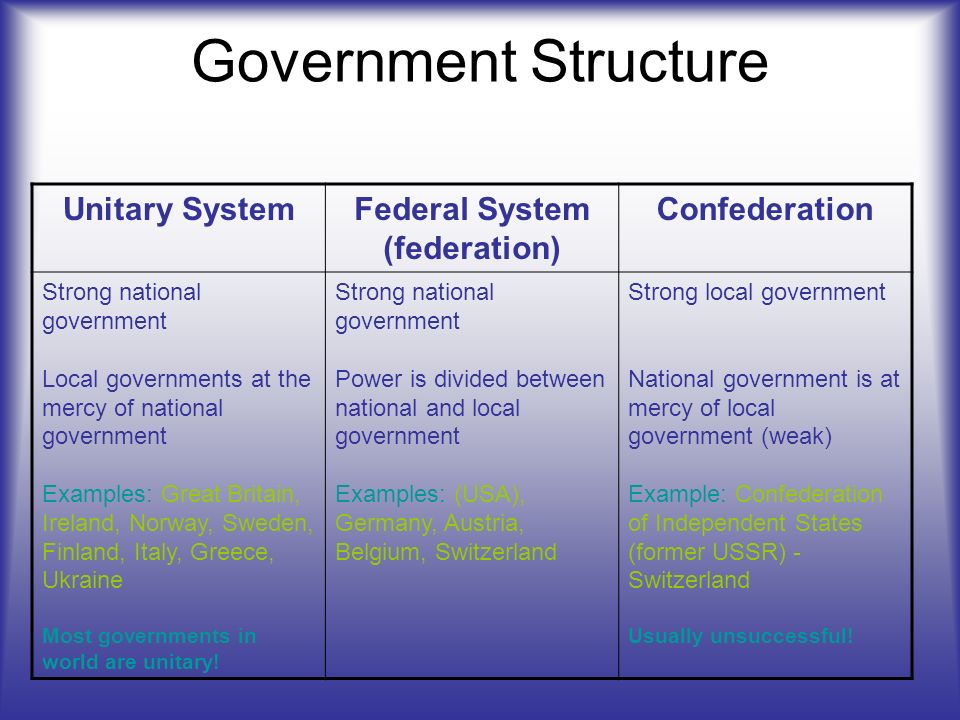
Most countries are capitalist, which means most things, including industries and businesses, are owned by small groups or individuals. In communist countries like China, the most of all property is owned by the community, or rather, by the government. Socialists believe a government should ensure equal rights to citizens as well, a fair share of money, and good health, education and housing. Fascists believe in army discipline and their country superiority to others.

**Elections**

In democracies, governments are chosen by election. In a general election, all adults in the country can vote for candidates (politicians) who want to be elected. People usually vote by putting a mark next to a name on a list called a ballot sheet. Just who is elected depends on the system.

**Extreme Governments**

Many countries have oppressive governments — governments that allow few people to force their will on the rest of the country. They do it in number of ways. Some use soldiers and tanks. Some use the power of money. Some use secret police and spies to stamp out opposition. Some use television and newspapers to fool people into thinking the 'right' way.



**Grammar Review**

**I. Arrange the following group of words into sentences.**

1. The Court of the highest juridical Ukraine body of is general Supreme jurisdiction. 2. Ukraine independence got its in 1980 has.

3. The was referendum held on December 1 1991 All-Ukrainian.

4. Kyiv, the which capital of Ukraine, is the in Ukraine only city possesses a special status law determined by.

5. The sign President laws must all adopted by the of Rada Ukraine Verkhovna.

6. has Ukrainian two chambers parliament.

7. The Budget Verkhovna adopts controls the State Rada and its execution.

8. Cabinet The of Ministers of Ukraine is responsible Rada to the Verkhovna and is accountable to the President.

9. Prime-Minister The appoints of state the heads administrations.

10. President term of is elected for a Ukraine four-year.

**II.Put the verbs in brackets into Present Simple or Present Continuous.**

1. Jill is interested in politics, but she ... (not to belong) to a political party.
2. Don’t put these papers away. I ... (to use) them.
3. He always ... (to make up) different stories. He is a dreamer.
4. The English Chanel ... (to separate) Great Britain from the continent of Europe.
5. He ... (to govern) that company now? - I’m not sure.
6. They ... (to guarantee) your security?
7. A newly elected Prime Minister ... (to perform) his duties as good as he can.
8. Look! A policeman ... (to chase) a thief.

III.Put the verbs in brackets into Present Simple, Present Continuous or Future tense.

Gary: What 1) are you planning (you/plan) to do after the exams? **2)** ... (you /stay) in London?

Angela: No, I **3)** ..... (leave) on Saturday. I’ve bought my ticketsalready. I **4)** ..... (visit) my brother in Wales. What **5)**..... (you/do)?

Gary: I think I **6)** ..... (start) looking for a job. I **7)** ..... (need)

some extra money because my mum **8)** ... (come) here in August. She **9)** ..... (stay) with me for a month. I **10)** ..... (plan) to show her London.

Angela: When exactly **ll)** ..... (she/arrive)?

Gary: Her flight **12)** ..... (arrive) at Heathrow airport at 4:30 p.m. on August 3rd. I **13)** ..... (meet) her there.

Angela: You’ve missed her a lot, haven’t you?

Gary . Yes. I **14)** ..... (look forward) to seeing her.

**IV. Put the verbs in brackets into Past Simple or Past Continuous.**

1. I (to wait) in the queue to pay for my groceries when I (to see) the man in front of me pull out a gun.
2. They (to drive) to the airport when the car (to break down).
3. Can you give this to Sheila? She (to leave) it in my office earlier.
4. The police (to arrest) the thieves last night.
5. Bobby (to walk) along the beach when a gust of wind (to blow) his hat off.

**Module 3**

**The structure of courts of Ukraine**

**Pre - texts**

*“In almost all cases a person seeking justice…”*

**Task 1. Read and t**r**ans**l**a**t**e the text**.

**The Court System of Ukraine**

Under the Constitution the judiciary in Ukraine is administered by the Constitutional Court and by the courts of general jurisdiction.

The Constitutional Court has the right to declare unconstitutional any law passed by Supreme Council of Ukraine or any order issued by the President. It consists of 18 judges who are elected by the President of Ukraine, the Verkhovna Rada and the congress of judges.

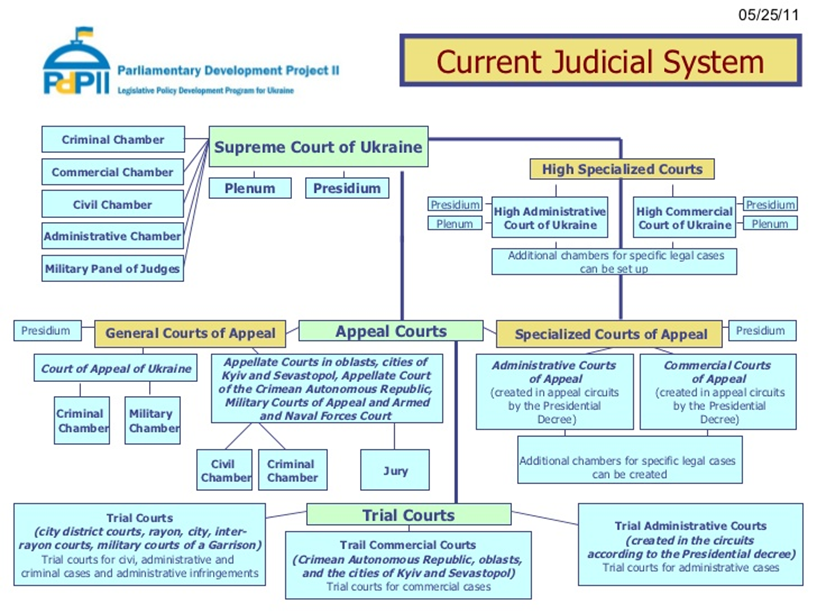
Courts of general jurisdiction have three tiers, like a pyramid: the district courts, the courts of appeals and the Supreme Court of Ukraine.

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Appellate courts are divided into regional, territorial and military courts of appeals. The courts of appeals review decisions of the district courts within their areas.

At the bottom of the judicial pyramid are the district (town) courts and military tribunals where litigation begins. Most litigation occurs in these courts (97 % of all criminal cases and 99 % of all civil cases are examined in the principal link of Ukrainian judicial system - the courts of districts and towns).

There are also special trial courts that have jurisdiction over certain types of cases. The special trial courts are organized in a system that looks like the system of courts of general jurisdiction with a Supreme Court at the top. The structure is the following: there are district administrative and economic courts, appellate administrative and economic courts, and high appellate administrative and economic courts.

The first appointment to the office of the judge is done by the President of Ukraine. All the other judges except the judges of the constitutional court are elected by the Verkhovna Rada. Judges shall hold office until they die, retire, or resign. 

**Task 2. Read and memorize the active vocabulary to the text *The Court System of Ukraine***

|  |  |
| --- | --- |
| Judiciary  general jurisdiction  order  to issue  tier  appellate court  litigation  trial  to retire  to resign  cases of particular complexity  public significance  principal link  economic courts | судочинство  загальна юрисдикція  наказ  видавати  1) ярус; 2) ряд  апеляційний суд  судовий позов  суд,судовий процес  іти у відставку  відмовлятися від посади  справи особливої складності  суспільне значення  головна ланка  господарські суди |

**Task 3. Answer the following questions.**

1.What courts is the judiciary in Ukraine administered by?

2.Whose privilege is to declare unconstitutional any law passed by Supreme Council of Ukraine?

3.Can the Constitutional Court or the Supreme Court declare unconstitutional any order issued by the President?

4.How many judges does the Constitutional Court consist of?

5.What way are the judges elected?

6.Can you describe the pyramid of courts of general jurisdiction?

7.What are the main functions of the Supreme Court of Ukraine?

8.What body examines cases of particular complexity of special public significance?

9.What may be done upon the initiative of the Procurator-General of Ukraine?

10.Whose decisions do the courts of appeal review within their areas?

11.Where does usually litigation begin?

12.Why are the district (town) courts at the bottom of the judicial pyramid?

13.What kind of courts are considered the special trial courts?

14.Who is the first appointment to the office of the judge done by?

**Task 4. Complete the following expressions choosing a suitable proposition from the list below; find the best way of expressing them in Ukrainia**

***Over, by (2), of (3), on, into, within, at, to***

1.The judiciary in Ukraine is administered ..... the Constitutional Court.

2.The Constitutional Court consists ..... 18 judges.

3.The Supreme Court examines cases of particular complexity ..... its own decision.

4.Appellate courts are divided ..... regional, territorial and military courts of appeals.

5.The courts of appeals review decisions of the district courts ... their areas.

6.The district (town) courts and military tribunals are ..... the bottom ….. the judicial pyramid.

7.Special trial courts have jurisdiction ..... certain types of cases.

8.The first appointment ….. the office ….. the judge is done .…. the President of Ukraine.

**Task 5. Translate the following sentences and pay special attention to the underlined words or phrases.**

1. За Конституцією України від 28 червня 1996 року однією з трьох гілок влади є судова влада.

2. Судочинство в Україні здійснюється Конституційним Судом та судами загальної юрисдикції.

3.Конституційний Суд дає офіційне тлумачення Конституції та законів України.

4.В Україні існує декілька типів судів: загальної юрисдикції, конституційний, апеляційний та верховний.

5.Система судів загальної юрисдикції (regular courts) складається з районних судів, міських, обласних та Верховного Суду України.

6.Більшість справ вперше слухаються районними міськими судами.

**Task 7. Make the following sentences complete by translating the phrases given in brackets.**

1.(The only source of law) в Україні є український народ.

2.Державна влада в Україні (is divided) на три гілки: законодавчу, виконавчу та судову.

3.Конституція України регламентує (the activity of different branches of power), а також визначає межі їх повноважень.

4.(Chapter II) of the Constitution of Ukraine (protects the rights of a person and a citizen in Ukraine) від державного втручання.

5.Конституційний Суд має право переглядати нормативно- правові акти гілок влади (executive and legislative) і скасовувати ті з них (which contradict the articles of the Constitution of Ukraine).

6.В Україні існує три основних джерела права. (They are constitutional law, enactments of legislature and administrative regulations).

7.Право є складним явищем соціального життя; (while there exist many ways of defining it), немає жодного поняття, яке б могло б (include every aspect of law.)

8.Конституція України (provides for the protection) особистих прав і свобод.

**Task 8. Translate the following sentences and pay special attention to the underlined words or phrases.**

1.At the bottom of the judicial pyramid are the district (town) courts and military **tribunals** where litigation begins.

2.It consists of 18 judges who **are elected** by the President of Ukraine, the Verkhovna Rada and the congress of judges.

3.Courts of general jurisdiction **have** three tiers, like a pyramid: the district courts, the courts of appeals and the Supreme Court of Ukraine.

4.The Supreme Court of Ukraine examines cases of **particular** complexity.

5.Under the Constitution the judiciary in Ukraine **is administered by** the Constitutional Court and by the courts of general jurisdiction.

**Task 9. Match the words on the left with their definitions on the right. Use them in the sentences of your own.**

|  |  |
| --- | --- |
| 1.Law | a) is one of the major sources of law; |
| 2.Constitutional Law | b) is the set of values, institutions and concepts that permit civilization to exist exists and people to live orderly lives; |
| 3. trial | c)the highest judicial court; |
| 4.Supreme Court | d)any court proceeding in which an individual seeks a decision; |
| 5.Court of Appelate jurisdiction | e)the court in which a legal proceeding is first started; |
| 6.Court of original jurisdiction | f)the court which reviews cases removed by appeal from a lower court; |

**Grammar Review**

1. **Underline the most suitable verb form in each sentence.**
2. *Did you see/Have you seen* my bag anywhere? I can't find it.
3. Larry *is writing/has been writing/has written* his novel for the last two years.
4. From the minute he got up this morning Gary *asked/has asked/has been asking* silly questions!
5. *Have you given/Did you give* Helen my message when you *have seen/saw* her?
6. Sorry, could you say that again? I *didn't listen/haven't listened/haven't been listening* to you.
7. The police think that they *found/have found* your wallet, so call this number.
8. *Did you two meet/Have you two met* before? Eric, this is Amanda!
9. *Did you meet/Have you met* anyone interesting at the reception?
10. **Underline the most suitable time expression.**
11. I haven't seen Gerry *for/since* a long time. How is he?
12. I can't remember *how long/when* I've had this watch.
13. I've written to Deborah *last week/recently.*
14. What have you been doing *today/yesterday?*
15. Have you eaten Italian food *before/already?*
16. I've been living here *in/since* the end of last year.
17. I've been trying to get in touch with David *for ages/for the last time.*
18. **Put each verb in brackets into either the Present Perfect Simple or the Present Perfect Continuous.**
19. Someone (eat) ***has eaten*** all the cakes. I'll have to buy some more.
20. What (you buy) your sister for her birthday?
21. My throat is really sore. I (sing) all evening.
22. Brenda (learn) Russian, but she finds it difficult.
23. How many people (you invite) to your party?
24. Those two cats (sit) on that branch for the last hour.
25. It (rain) all day! Why can't it stop?
26. Diana (wear) twelve different dresses in the past week!
27. I (do) everything you asked. What should I do now?
28. Graham and Pauline (try) to find a house for ages, but they can't find one they can afford.
29. **Make the correct forms of the verbs.**

Jack (be)….. my friend for over 20 years. We (know)….. each other since we were children. Recently, he and his family (move)….. to a house on the same street as me, and now our children play together almost every day. For the last ten years, Jack and I (play)…..for the same hockey team every Saturday. Jack is a better player than I am, but in the last few months he (have)…….Some trouble with his left knee, and he (find) hard to play a full game. He (see)….. the doctor several times about his knee, but the doctor doesn't know what is causing his pain. Jack (decide)….. to take a break from hockey for a while, so that his knee can recover. It's going to be lonely on the team without him!

1. **Choose the correct past participle forms of the verbs**
2. We're late - the game has already…..(begin).
3. Shelley can't go skiing any more. She has (break)….. her leg.
4. In the last few years, it has ….. (become) more and more difficult to get into college.
5. Duncan's here, and he's…..(bring) some sandwiches!
6. She's getting married in a week, and she hasn't…..(buy) her dress yet.
7. It's so hot that I've….. (drink) five cans of Coke already this afternoon.
8. **Make up the sentences with the words.**
9. I / live / here / five years.
10. Fred / be / pilot / 1992.
11. We / know / each other / childhood.
12. I / want / play / professional hockey / I was four.
13. Ten years / they / work / in the same office.
14. **Make the correct forms of the verbs. Use Past Perfect.**
15. First, we ate at the cafeteria. Then, we went to class.

*After we …… at the cafeteria, we …… to class.*

1. First, Juan made himself a sandwich. Then, he poured some tea.

*After Juan…...himself a sandwich, he…… some tea.*

1. First, Gunawan plugged in the headphones. Then, he played a CD.

*Before he …… a CD, Gunawan…..in the headphones.*

1. First, Soriah fed the cat. Then, she called her mother.

Soriah…… her mother after she…… the cat.

1. First, Marie did her homework. Then, she watched TV.

Marie……her homework before she…TV.

**Module 4**

**Types of Law in Ukraine, Great Britain, and the USA**

**Pre - texts**

*“The more laws the more offenders”*

**Task 1. Read and t**r**ans**l**a**t**e the text**.

**Law. Classifications of Law**

*The Law is a set of principles, rules and standards of conduct*

* that have general application in the society,
* that have been developed by an authority for that society, and
* for the violation of which the society imposes a penalty.

*The basic functions of law are*

* keeping the peace,
* enforcing standards of conduct and maintaining order,
* facilitating planning,
* and promoting social justice.

There are many ways to subdivide the law. One way is to distinguish between ***substantive law and procedural law.***

***Substantive law*** sets out the rights and duties governing people as they act in society. Duties tend to take the form of command "Do this" or "Don't do this". Substantive law also establishes rights and privileges, for example a freedom of speech or the so-called right of self-defence.

***Procedural law*** establishes the rules under which the substantive rules of law are enforced. Rules as to what cases a court can decide, how a trial is conducted, and how a judgment by a court is to be-enforced are all part of the procedural law.

Another important distinction is between ***criminal law****,* concerned with wrongful acts harmful to the community, and ***civil law***, concerned with individuals' rights, duties and obligations towards one another. ***Criminal law*** defines breaches of duty to society in large. Private duties owed by one person (including corporations) to another are established by ***civil law****.* The main subdivisions of civil law are: law of contract,family law, law of torts, constitutional and administrative law, industrial, maritime and ecclesiastical law.

***Constitutional law*** is a branch of the public law of a nation or a state which treats with the organization, powers, frame of government, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and citizen.

***Family law*** is a body of law regulating family relationships, including marriage and divorce, the treatment of children, and economic issues. It is also concerned with such subjects as adoption, separation, paternity, custody, support and child care.

***Law of Torts*** includes wrongs, such as negligence, defamation, malicious prosecution and nuisance.

***Labour law*** is the varied body of law applied to such matters as: employment, remuneration, conditions of work, trade unions, and industrial relations. The term includes social security and disability insurance as well.

***Maritime or Admiralty*** law is a body of legal rules that governs ships and shipping.

***Administrative law*** is the legislative requirements, typically for businesses, issued by government agencies in published regulations.

**Task 2. Read and memorize the active vocabulary to the text.**

|  |  |
| --- | --- |
| application  to impose a penalty  to enforce    to maintain order  to facilitate  to promote  to subdivide  substantive law  procedural law  to distinguish  to set out  judgement  distinction  harmful  breach  subdivision  law of contract  law of torts  maritime law  ecclesiastical law  to treat with  frame  adoption  separation  paternity  custody  support  wrong  negligence  malicious prosecution  defamation  public nuisance  to apply (to)  employment  remuneration  trade union  disability insurance | Застосування  накладати (призначати)покарання  1) проводити в життя (закон)  2) спонукати, примушувати  3) підсилювати  підтримувати порядок  полегшувати, сприяти, допомагати сприяти  поділяти(ся); підрозділяти  матеріальне право  процесуальне право  розрізняти, відокремлювати  встановлювати, виставляти напоказ  судове рішення, вирок  відмінність  шкідливий, згубний  порушення(закону)  підрозділ  договірне право  деліктне право  морське право  церковне право  мати справу  структура  усиновлення  юр. роздільне життя подружжя батьківство;походження по батьку опіка  підтримка  правопорушення  недбалість, халатність  зловмисне судове переслідування  наклеп, обмова, дифамація  порушення громадського спокою застосовувати; стосуватися  зайнятість, робота  заробітна плата, винагорода  профспілки  страхування на випадок втрати непрацездатності |

**Task 3. Answer the following questions.**

1. How do you understand the term ‘law’?

2. What functions does law perform?

3. What classifications of law do you know?

4. What does substantive law set out?

5. What for do the duties tend to take?

6. What kinds of rules does procedural law establish?

7. What distinction exists between criminal and civil law?

8. What breaches does criminal law define?

9. What duties are established by civil law?

10. What subdivisions of civil law are you familiar with?

11. What does constitutional law deal with?

12. What relations does family law regulate?

13. What wrongs does law of torts include?

14. What maters does the term labour law include?

15. What questions does admiralty law deal with?

**Task 4. Fill in the blanks with the appropriate preposition from the list below***.*

***In, into, for, to (*x*2), out.***

1.The President of this company usually sets … his ideas absolutely clearly in his speeches.

2.Every political community, and thus every national state, has a constitution, at least in the sense that it operates its important institutions according …some fundamental body of rules.

3.Criminal law defines breaches of duty to society … large.

4.Everything I have said doesn’t apply …you.

5.Family law is divided … public and private cases.

6.In economic affairs, tort law provides remedies … businesses that are harmed by the unfair and deceptive trade practices of a competitor.

**Task 5.Translate the following sentences.**

1. **Admiralty law** is a distinct body of law which governs maritime questions and offenses and deals with matters including marine commerce, marine navigation, shipping, sailors, and the transportation of passengers and goods by sea
2. **Family law** is an area of the law that deals with family-related issues and domestic relations including: the nature of marriage, civil unions, and domestic partnerships; issues arising throughout marriage, including spousal abuse, legitimacy, adoption, surrogacy, child abuse, and child abduction the termination of the relationship and ancillary matters including divorce, annulment, property settlements, alimony, and parental responsibility orders.
3. **Criminal law**, or penal law, is the body of rules that defines conduct which is prohibited by the state because it is held to threaten, harm or otherwise endanger the safety and welfare of the public, and that sets out the punishment to be imposed on those who breach these laws.
4. **Civil law** is a legal system inspired by Roman law, the primary feature of which is that laws are written into a collection, codified, and not (as in common law) determined by judges.
5. **Canon law** is the body of laws and regulations made by or adopted by ecclesiastical authority, for the government of the Christian organization and its members and the way that such church law is legislated, interpreted and at times adjudicated varies widely among three bodies of churches Catholic Church, Orthodox Church and the Anglican Communion of churches.
6. **The law of torts** serves four objectives:

it seeks to compensate victims for injuries suffered by the culpable action or inaction of others;

it seeks to shift the cost of such injuries to the person or persons who are legally responsible for inflicting them;

it seeks to discourage injurious, careless, and risky behavior in the future and at last

it seeks to vindicate legal rights and interests that have been compromised, diminished, or emasculated.

Task 6. Make the following sentences complete by translating the phrases in brackets.

1. Law is (набір правил чи норм поведінки) which mandate, proscribe or permit specified (відносини між людьми та організаціями); as well as punishments for those who do not follow the established rules of conduct.
2. Labour law arose due to the (потреб робочих у кращих умовах праці), the right to organize, and the simultaneous demands of employers to (обмежити повноваження організацій робітників).
3. As law is a system of rules and guidelines, usually enforced through a set of institutions, (воно формує політику, економіку та суспільство численними способами) and serves as a social mediator of relations between people.
4. Constitutions may be (писані або неписані), they may be (складні чи прості), they may provide for vastly different patterns of governance.
5. The party in force has proposed a new law (щоб захистити людей) from being evicted unfairly.
6. Commercial law is a body of law (яке розглядає ділові та комерційні угоди).

**Task 7. Complete the following.**

1.There are four different classifications of law that are found around the world (матеріальне право проти процесуального права, публічне проти приватного, кримінальне проти цивільного та країни, де застосовується загальне право і країни, де застосовується цивільне право).

2.Some functions of law include: (збереження миру; перевірка повноважень уряду та сприяння особистій свободі; сприяння плануванню та реалізація поміркованих сподівань; сприяння економічному зростанню завдяки вільній конкуренції; сприяння соціальному правосуддю; та захист навколишнього середовища.)

3.One of the ways of summarizing the difference between substantive and procedural is as follows: (матеріальні норми права визначають права та обов’язки в той час як процесуальні норми забезпечують механізм посилення цих правил та обов’язків.)

4.Civil law is subdivided into (договірне право, сімейне право, конституційне право, адміністративне право, морське, церковне та інші права).

5.Ukrainian law is commonly divided in the following areas (публічне право, приватне право, міжнародне право, кримінальне право, цивільне право, конституційне, адміністративне та ін.).

6.The main differences between civil and criminal law in the USA concerns such questions as (сторона, яка подає позов; поняття покарання; ефект покарання; тягар доказів; захист для кримінальних обвинувачуваних; незнання закону не звільняє від відповідальності).

**Task 8. Match the words on the left with their definitions on the right. Use them in your sentences of your own.**

|  |  |
| --- | --- |
| 1.negligence | 1. condition of being unable to perform a task or function because of a typical or mental impairment |
| 2.adoption | b)an association of employees formed to improve their incomes and working conditions by collective bargaining with the employer or employer organizations |
| 3.defamation | c) a civil wrong whereby a person or party is in breach of a legal duty of care to another which results in loss or injury to the claimant |
| 4.custody | d)taking a child into one family as a relation, esp. as a son or a daughter, with legal guardianship |
| 5.disability | e)the injuring of a person’s good name or reputation |
| 6.trade union | f) the act of keeping safe or guarding, esp. the right of guardianship of a minor |

**Supplementary tasks**

**Task 1. Read and translate the text in written form into Ukrainian.**

*There are four different classifications of law that are found around the world.*

**1.Substantive of laws vs. Procedures of laws** - Substantive of law is the substance that makes up a law. It is the meaning of a law that explains what you can and cannot do. For example the law states that

youcannot murder another human being unless it was in self defense, you were under duress, or if you were drugged by another person. Unlike substantive of law, procedures of laws are just the steps that must take place when filing a lawsuit against another party.

**2.Public vs. Private Law** - Public law simply means that the government is involved. Public law is any law that has to do with the constitution and the public. This type of law normally involves a criminal suit were the government is prosecuting a citizen for a crime they allegedly committed. Private laws are laws that do not involve the government, and are laws that allow one private entity to sue another private entity in a civil lawsuit.

**3.Criminal vs. Civil Law** - Criminal law was created to protect the public from the government or from themselves. Criminal laws were created so that the government could not prosecute individuals without due process and so that the public could protect themselves from each other. Civil law are cases where one or both parties are looking for compensation instead of jail time. Civil law covers anything that criminal law does not cover in the court system.

**4.Common vs. Civil law countries** - Common law countries prosecute with the concept of "Stare Decisis" meaning, let the decision stand. This means that these countries such as the United States of America make decisions based on precedent. These countries are case law countries and look at how past cases were decided and use that in the decision process when prosecuting. Unlike common law countries, civil law countries do not rely on precedent but instead prosecute lawsuits on a case to case basis without looking at how past cases had been decided.

**Task 2. Read and translate the text. Write down the unknown words and words expressions. Discuss the main items of the text.**

Ukrainian law is commonly divided in the following areas:

• Public law

• Private law

• International law

These areas of the legal system are further subdivided into:

• Civil law (including Family law, Inheritance law, Contract law and Commercial law, Law of Obligations, Property law, Intellectual property law, Companies law, Land law, Tort law )

• Criminal law, Penal law

• Constitutional law (including laws on the structure of the state)

• Administrative law

• International law

**Civil law** regulates the everyday life of persons and other legal entities, such as corporations. The main code of Ukrainian civil law is the Civil Code of Ukraine. It comprises provisions governing ownership, intellectual property rights, contracts, torts, obligations, inheritance law, and the definition of legal entities. The Code introduces new types of business contracts into the legal practice, including factoring, franchising, rent service, and inherited contracts. Civil litigation is governed by The Civil Procedural Code of Ukraine.

**Criminal law** deals with the prosecution and punishment of criminal offenses. The Criminal Code of Ukraine contains the written criminal laws of Ukraine.

There is no capital punishment in Ukraine. The maximum criminal punishment is life imprisonment, which can be reduced by decree of President of Ukraine to 25 years of imprisonment after 20 years of sentence service. The Parliament of Ukraine has the power of amnesty for prisoners not serving life sentences citation needed. Criminal proceedings, investigation, and court examination in criminal trials are regulated by The Criminal Procedural Code of Ukraine.

**Constitutional law** considers the constitution and the structure of Ukraine. It regulates the powers of democratic institutions, the organization of elections and the divisions of powers between central and local government. Only the Constitutional Court of Ukraine is allowed to determine the constitutionality of laws created by the legislature.

**Administrative law** is the area of law that regulates the operation of the various levels of government and the way in which persons and legal entities can appeal decisions of the government. The main code of Ukrainian administrative law is Th eAdministrative Code of Ukraine.

**International law** involves the application of international laws (mostly laid down in treaties) in Ukraine. International agreements, ratified by the Parliament of Ukraine, are a part of Ukrainian legislation. The Constitution of Ukraine allows the direct application of most international laws in Ukrainian courts. If an international agreement of Ukraine prescribes rules other than those set by the Law of Ukraine, the rules of that international agreement shall apply. Laws regulating jurisdiction with an

international aspect (e.g. because parties come from different countries) are not part of international law but form a specific branch of civil law.

On September 2005, the Law of Ukraine On Private International Law was enacted. The Law sets the procedure for the regulation of private legal relations which are subject to other legal systems in addition to that of Ukraine.

**Commercial law:** The Commercial Code of Ukraine describes the details of compliance with the Constitution of Ukraine clauses for commercial activity. The Code regulates the fundamentals of commercial activity, including business entities, property basis, responsibility for violations, peculiarities of legal regulation, and foreign commerce.

**Grammar Review**

**I. Make up the sentences with the following parts.**

1. a verdict / of the jury/ is enough /A simple majority/ to reach.

2. her/ to plead guilty/ advised / Her lawyer/.

3. She tried/ was innocent /to convince them /that she.

4. to be helping/ The jury/ the judge is ready.

5. custody/ last resort/ To use/ is /a sanction of /.

6. him / too young / is / to arrest/The person.

7. is /The person/ to be tried/ unfit.

8. to/ discovered /safe/ the/ how /He/ open.

9. the accused/ The witnesses/ to help were glad.

10. He/ to kill/ without /his / is said/ any doubt/ wife.

11. It is/ alcohol / to sell/ an offence/ under 18/ to people.

12. law questions/ The judge/ to decide/ is qualified.

13. The new/ to police corruption/ government/ to put a stop/ promised.

14. the crime/ have not been able / The police/ to solve.

15. encouraged/ The solicitor/ to appeal/ me/ to try/ again.

16. government regulation of/ is difficult / economics/ The nature of/ to define.

**II*.* Change the following sentences into the Passive Voice.**

1.My sister teachers English at our University.

2.A famous Hungarian architect built this castle in the sixteenth century.

3.They will not finish their repair work tomorrow.

4.The students are discussing the latest political news during the lunch.

5.We were watching the film “Love Story” yesterday at 9 p.m.

6.The young men had written down their notes long before the break time. 7.Somebody has stolen the old woman’s purse.

8.They will have published the book till the end of the year.

**III. Join the sentences using the word(s) in brackets and the Past Perfect Simple as in example.**

1.The judge finished his speech. The witness appeared in the hall. **(just, when)**

***The judge had just finished his speech, when the witness appeared in the hall.*** 2.The solicitor started typing a letter. His client left. **(as soon as)**

3.George came into the courtroom. He talked to a policeman. **(after**)

4.They didn’t hire a lawyer. They examined his résumé. **(until)**

5.He opened the book on Corporate Law. The doorbell rang. **(just, when)**

6.A solicitor read a client’s claim several times.He invited her to his office. **(before)** 7.The barrister left his chamber. The solicitor arrived. **(already, by the time)**

8. She found the job. The company employer called her. **(already, when)**

**IV. Put the verbs in brackets into the Future Perfect Simple. Translate the sentences.**

1. The barrister **(to negotiate)** the settlement before the trial starts.

2. The junior barrister **(to finish)** drafting legal documents by 9 o’clock in the morning.

3. The legal firm **(to fulfill)** its obligations by the end of the year.

4. By the end of the month an experienced lawyer **(to prepare)** the case for court.

5. By this time next year I **(to graduate)** from law school.

6. A solicitor **(to get)** through the greater part of the work before his client comes.

**V. Study the examples. Which sentences include the Present Perfect Continuous Tense? Translate the sentences.**

1. We **have been listening** to the witnesses for three hours.

2. A man **has been waiting** for the judge for two hours.

3. He **has spent** 12 months in pupillage.

4. I **have received** a provisional practising certificate issued by the Bar Council.

5. The student **has joined** one of the Inns of Court and **passed** the bar vocational course (BVC).

6. A young barrister **has been talking** to the expert since 8 o’clock in the morning.

**IX. Choose the correct verb form.**

1. I have been ***studying / studied*** law since 1990.

2. How long ***have you been practicing / do you practice*** as a lawyer?

3. Law companies ***use / have been using*** computers to store clients’ cases for ten years.

4. ***We’ve been doing / have done*** business with them for over thirty years now.

5. A client ***has made / has been making*** a complaint about one of our lawyers.

6. A barrister has been ***negotiating / has negotiated*** the settlement since the morning. 7. The State Registration Act has been ***introduced / introducing*** into Ukrainian law. 8. The legal team of Arzinger & Partners ***has been dealing / dealt*** with debt collecting litigations for five years.

**X. Insert the Past Perfect Continuous. Translate the sentences.**

1. We \_\_\_\_\_\_\_\_\_\_ for an hour when she began talking **(to wait).**

2. When I came down to London to work in the company, my brother \_\_\_\_\_\_\_\_ there already for five years. **(to work)**

3. He \_\_\_\_\_\_\_\_\_\_ about half an hour, when he saw his client coming along the path. **(to walk)**

4. He \_\_\_\_\_\_\_\_\_\_\_\_already the case with his assistant for three hours, when the telephone rang. **(to discuss)**

5. I saw that it was 2 o’clock. We \_\_\_\_\_\_\_\_\_ there an hour and a half. **(to sit)**

6. The gown and the wig he \_\_\_\_\_\_\_\_\_ was, lying across the chair. **(to wear)**

**Module 5**

**International law**

**Pre - texts**

*“There is no law for the rich and another for the poor”*

**Task 1. Read and t**r**ans**l**a**t**e the text**.

**International law**

International law is a body of laws, regulations, and accepted practices by which different nations throughout the world interact with each other as well as with their own citizens and citizens of other countries. The term "international law" can refer to three distinct legal disciplines: *public international law, private international law* (or conflict of laws), and *supranational law* (or the law of supranational organizations).

**Public international law** concerns the relationships between the entities or legal persons which are considered the subjects of international law, including sovereign nations, the legal status of the Holy See, international organizations (including especially intergovernmental organizations such as the United Nations), and in some cases, movements of national liberation (wars of national liberation) and armed insurrectional movements.

**Private international law** governs conflicts between private persons, rather than states. It concerns the questions of which jurisdiction should be permitted to hear a legal dispute between private parties, and which jurisdiction's law should be applied, therefore raising issues of international law.

**Supranational law** concerns at present regional agreements where the special distinguishing quality is that laws of nation states are held inapplicable when conflicting with a supranational legal system.

**Domains of International law**

International law includes the basic, classic concepts of law in national legal systems - status, property, obligation, and tort (or delict). It also includes substantive law, procedure, process and remedies. International Law is rooted in acceptance by the nation states which constitute the system. The following are major substantive fields of international law:

International economic law International security law International criminal law International environmental law Diplomatic law

International humanitarian law or law of war.

International human rights law

**Sources of International law**

***Customary law*** and ***conventional law*** are primary sources of international law. ***Customary international law*** results when states follow certain practices generally and consistently out of a sense of legal obligation. ***Conventional international law*** derives from international agreements and may take any form that the contracting parties agree upon. Customary law and law made by international agreement have equal authority as international law. Parties may assign higher priority to one of the sources by agreement. However, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can be changed or modified only by a subsequent peremptory norm of international law.

***General principles*** common to systems of national law is a secondary source of international law. There are situations where neither conventional nor customary international law can be applicable. In this case a general principle may be invoked as a rule of international law because it is a general principle common to the major legal systems of the world and not inappropriate for international claims.

**Subjects of International law**

Traditionally, states were the main subject of international law. Increasingly, individuals and non-state international organizations have also become subject to international regulation.

**Task 2. Read and memorize the active vocabulary to the text *International law***

|  |  |
| --- | --- |
| international law  to interact  public international law  private international law  supranational law  entity  the Holy See  movement of national liberation  armed insurrectional movement  regional agreement  applicable  inapplicable  domain  tort (or delict)  substantive law  procedure  process  remedy  International economic law  International security law  International criminal law  International environmental law  Diplomatic law  International humanitarian law  International human rights law    source  customary law  conventional law | міжнародне право  взаємодіяти  публічне міжнародне право  приватне міжнародне право  право міжнародних організацій  економічний суб’єкт  папський престол  рух за національне визволення  озброєний повстанський рух  регіональний договір  придатний, застосовний  непридатний, незастосовний  область, галузь, сфера  порушення закону  матеріальне право  процедура  процес  відшкодування збитків  Міжнародне економічне право  Право міжнародної безпеки  Міжнародне кримінальне право  Міжнародне екологічне право  Дипломатичне право  Міжнародне гуманітарне право  Міжнародне право із захисту людських прав  Джерело  звичаєве право  договірне право |

**Task 3. Answer the following questions.**

1. Give the definition of the international law.

2. What three distinct legal disciplines can the term "international law" refer to?

3. What relationships does public international law concern?

4. What conflicts does private international law govern?

5. What kind of agreements does supranational law concern at present?

6. What are the domains of international Law?

7. Name the main sources of international Law.

8. How do you understand the term customary international law/ conventional international law?

9. What principles can be applicable in the situations where one can’t apply neither conventional nor customary international law?

10. What entities can be subjects to international regulation?

**Task 4. Fill in the blanks with the appropriate preposition from the list below*: between, of, to, throughout, by, from.***

1. Public international law concerns the relationships … the entities or legal persons which are considered the subjects of international law.

2. Conventional international law derives … international agreements.

3. Individuals and non-state international organizations have become subject … international regulation.

4. Customary law and conventional law are primary sources … international law.

5. Some rules of international law are recognized … international community as peremptory, permitting no derogation.

6. International law is a body of laws, regulations, and accepted practices by which different nations … the world interact with each other as well as with their own citizens and citizens of other countries.

**Task 5. Translate the following sentences.**

1. International law is the term commonly used for referring to laws that govern the conduct of independent nations in their relationships with one another.

2.Public international law includes the following specific legal field such as the treaty law, law of sea, international criminal law and the international humanitarian law. 3.Sources of international Law are the materials and processes out of which the rules and principles regulating the international community developed.

4.Norms of international law have their source in either 1) custom, or customary international law (consistent provincial practice accompanied by *opinio juris*), 2) globally accepted standards of behaviour (peremptory norms known as *jus cogens* or *ius cogens*), or 3) codifications contained in conventional agreements, generally termed treaties.

5.Article 13 of the United Nations Charter obligates the UN General Assembly to initiate studies and make recommendations which encourage the progressive development of international law and its codification.

6.Evidence of consensus or state practice can sometimes be derived from intergovernmental resolutions or academic and expert legal opinions (sometimes collectively termed soft law).

**Task 6. Make the following sentences complete by translating the phrases in brackets.**

1.International law can be defined as (систему правил) that nations recognize as binding upon one another in their mutual relations.

2.Only the state of which an individual is a national can complain of a violation before (міжнародним трибуналом).

3.It is a violation of international law to treat an alien in a manner which does not satisfy the (міжнародний стандарт правосуддя).

4.Recently (звичаєве право) was codified in the Vienna Convention on the Law of Treaties.

5.Private international law deals with controversies between (приватними особами), natural or juridical, arising out of situations having significant relationship to more than one nation.

6.Public international law includes the following specific legal field such as the treaty law, law of sea, (міжнародне кримінальне право) and the international humanitarian law.

**Task 7. Complete the following.**

1.International law (це правова система, яка складається з принципів і норм, якими регулюються відносини між її суб’єктами, державами, міжнародними організаціями).

2.With the help of International law (держави встановлюють загальноприйняті стандарти поведінки, воно є засобом міжнародного співробітництва у різних галузях суспільного життя).

3.(У багатьох державах, у тому числі в Україні, ратифіковані міжнародні договори) are considered as a part of national legislature, (а у разі розбіжностей між положеннями національного закону і міжнародного договору діють норми останнього).

4.Private international law (регулює цивільно-правові відносини з іноземним елементом).

5.Public international law (регулює відносини між державами, між міжнародними організаціями, між держава і міжнародними організаціями). 6.Особливе місце у кодифікаційному процесі належить ООН, у рамках якої з 1947 року діє (International Law Commission of the UNO).

**Task 8. Match the words on the left with their definitions on the right. Use them in your sentences of your own.**

|  |  |
| --- | --- |
| 1. the Holy See | a) a civil wrong arising from an act or failure to act, independently of any contract, for which an action for personal injury or property damages may be brought |
| 2. to interact | b) demand recognition of the fact that one is, owns or has a right to something |
| 3. tort | c) district under the Pope’s jurisdiction |
| 4. remedy | d) lessening (of authority, dignity, reputation, etc.) |
| 5. derogation | e) cure, method of, something used for, putting something right |
| 6. claim | f) to act on each other |

**Supplementary tasks**

**Task 1. Read and translate the text in written form into Ukrainian.**

**The History of International Law**



International law has existed since the Middle Ages (see Islamic international law), but much of its modern corpus began developing from the mid-19th century. In the 20th century, the two World Wars and the formation of the League of Nations (and other international organizations such as the International Labor Organization) all contributed to accelerate this process and established much of the foundations of modern public international law. After the failure of the Treaty of Versailles and World War II, the League of Nations was replaced by the United Nations, founded under the UN Charter. The UN has also been the locus for the development of new advisory (non-binding) standards, such as the Universal Declaration of Human Rights. Other international norms and laws have been established through international agreements, including the Geneva Conventions on the conduct of war or armed conflict, as well as by agreements implemented by other international organizations such as the ILO, the World Health Organization, the World Intellectual Property Organization, the International Telecommunication Union, UNESCO, the World Trade Organization, and the International Monetary Fund. The development and consolidation of such conventions and agreements has proven to be of great importance in the realm of international relations.

**Task 2. Read the text and speak on the main international communities and unions.**

**Supranational law**

**The European Union**

European Union law (historically called European Community law) is a body of treaties, law and court judgements which operates alongside the legal systems of the European Union's member states. It has direct effect within the EU's member states and, where conflict occurs, takes precedence over national law. The primary source of EU law is the EU's treaties. These are power-giving treaties which set broad policy goals and establish institutions that, amongst other things, can enact legislation in order to achieve those goals. The legislative acts of the EU come in two forms: regulations and directives. Regulations become law in all member states the moment they come into force, without the requirement for any implementing measures, and automatically override conflicting domestic provisions. Directives require member states to achieve a certain result while leaving them discretion as to how to achieve the result. The details of how they are to be implemented are left to member states.

**East Africa Community**

There are ambitions to make the East African Community, consisting of Kenya, Tanzania, Uganda, Burundi and Rwanda, a political federation with its own form of binding supranational law by 2010.

**Union of South American Nations**

The Union of South American Nations is an organization on the South American continent. It intends to establish a framework akin to the European Union by the end of 2019. It is envisaged to have its own passport and currency, and limit barriers to trade.

**Andean Community of Nations**

The Andean Community of Nations is the first attempt the countries around the Andes Mountains in South America. It started with the Cartagena Agreement of 26 May 1969, and nowadays consists in four countries: Bolivia, Colombia, Ecuador and Peru. It does have a supranational law, called Agreements, which are mandatory for these countries.

**Task 3. Read and translate the text, write down all the unknown words.**

**The International Court of Justice**

The International Court of Justice was established in 1945 by the UN Charter as the principal judicial organ of the United Nations. It is based in the Peace Palace in the Hague, the Netherlands. Its main functions are to settle legal disputes submitted to it by states and to give advisory opinions on legal questions submitted to it by duly authorized international organs, agencies, and the UN General Assembly.

The ICJ is composed of 15 judges elected to 9 year terms by the UN General Assembly and the UN Security and may be re-elected for up to two further terms. No two may be nationals of the same country. All judges should be "elected regardless of their nationality among persons of high moral character", who are either qualified for the highest judicial office in their home states or known as lawyers with sufficient competence in international law. Decisions and Advisory Opinions are by majority and, in the event of an equal division; the President's vote becomes decisive. Generally, the Court sits as full bench, but it is allowed under the statute to form smaller chambers, usually 3 or 5 judges, to hear cases. Members of the Court are independent judges and they exercise their powers impartially and conscientiously.

As stated in the UN Charter, all 192 UN members are automatically parties to the Court's statute. The issue of jurisdiction is considered in the two types of ICJ cases: contentious issues and advisory opinions.

In contentious cases (adversarial proceedings seeking to settle a dispute), the ICJ produces a binding ruling between states that agree to submit to the ruling of the court. Only states may be parties in contentious

cases. The key principle is that the ICJ has jurisdiction only on the basis of consent.

An advisory opinion is a function of the Court open only to specified United Nations bodies and agencies. Advisory Opinions were intended as a means by which UN agencies could seek the Court's help in deciding complex legal issues that might fall under their respective mandates.

The duty of all UN members is to comply with decisions of the Court involving them. If one of the parties fails to heed a judgment of the ICJ the other party may call upon the Security Council to determine measures to be taken against it.

When deciding cases, the Court applies international law i.e international conventions, international custom, and the "general principles of law recognized by civilized nations". If the parties agree, they may also grant the Court the liberty to decide ex aequo et bono ("in justice and fairness"), granting the ICJ the freedom to make an equitable decision based on what is fair under the circumstances.

Court procedure is set out in Rules of Court of the International Court of Justice. Cases before the ICJ will follow a standard pattern. The case is lodged by the applicant who files a written memorial setting out the basis of the Court's jurisdiction and the merits of its claim. The respondent may accept the Court's jurisdiction and file its own memorial on the merits of the case. Once all written arguments are filed, the Court will hold a public hearing on the merits.

**Task 4. Read and memorize the active vocabulary to the text *International Court of Justice***

|  |  |
| --- | --- |
| to settle disputes  to submit  to give advisory opinions  sufficient  competence  in the event of  sit as full bench  to hear cases  impartially  conscientiously  contentious issues  binding  ruling  to exclude  to intend  mandate  influential  to embody  to fail to heed  to call upon  to determine measures  liberty  to grant  equitable decision  pattern  to lodge  applicant  to file a written memorial  to set out  merits  on the merits of the case  claim  respondent | вирішувати суперечки  підкорятись, подавати на розгляд  давати поради  достатній  компетенція  у випадку, у разі  засідати у повному складі  заслуховувати справи  неупереджено  добросовісно  спірні питання  обов’язковий  судове рішення  виключати  мати намір, вдаватися  мандат  впливовий  втілювати; здійснювати  не зважати на  звертатися, апелювати  встановлювати міри  воля, свобода  погоджуватися, дозволяти;  справедливий; неупереджений  зразок, взірець  подавати косацію  прохач*,* позивач  складати (подавати) петицію  викладати *(у документі)*  заслуга, достоїнство  по суті справи  вимога, позов, претензія  відповідач |

**Task 5. Answer the following questions.**

1. When was the International Court of Justice established?

2. Where is it based?

3. What are its main functions?

4. How many judges is the ICJ elected?

5. How are the decisions made?

6. How many judges usually sit as full bench?

7. What countries can be parties of the ICJ?

8. What types of cases is jurisdiction of the ICJ considered in?

9. How do you understand the term “contentious issues”?

10. For what purpose were the advisory opinions intended?

**Task 6. Fill in the blanks with the appropriate preposition from the list below*: of, to, on, out, with, on.***

1.Every member Of the ICJ must comply **…** the decisions of the ICJ, in the case to which it is a party.

2.The decisions of the ICJ are based … the following sources of law: Convention, International Law and Common principles of law.

3.The judges are elected on the basis of their qualification regardless … their nationality.

4.The applicant lodges the case filing a written memorial in which he/she sets … the basis of the Court's jurisdiction and the merits of its claim.

5.If only all written arguments are filed, the Court will hold a public hearing … the merits.

6.All 192 UN members are automatically parties … the Court's statute.

**Task 7. Make the following sentences complete by translating the phrases in brackets.**

1.If one of the parties (не зважає на) a judgment of the ICJ the other party may call upon the Security Council to determine measures to be taken against it.

2.Unlike most other organs of international organizations, the Court (не складається) of representatives of governments.

3. Proceedings may be instituted through the notification of a special agreement which (подаватися) with the Court by either of the States parties to the proceedings or by both of them.

4.Proceedings may also be instituted by means of an application which is submitted by an (державою позивачем) against (держави відповідача).

5.The applicant State must state the name of the party against which the (позов) is brought, (предмет суперечки) and briefly indicate on what basis – a treaty or a declaration of acceptance of compulsory jurisdiction – it claims the Court has jurisdiction, and must succinctly state (факти та підстави) on which it bases its claims.

6.Members of the Court are independent judges whose first task, before taking up their duties is to make a solemn declaration in open court that they will exercise their powers (неупереджено і добросовісно).

**Task 8. Complete the following.**

1.The main functions of the ICJ are (вирішувати правовими засобами суперечки, які подаються на розгляд державами, та надавати поради з юридичних питань, які подаються на розгляд уповноваженими міжнародними органами та Генеральною Асамблеєю ООН).

2.The duty of all UN members is (підкорятись рішенням Міжнародного суду проте, якщо одна із сторін не зважає на рішення суду, то інша сторона може звернутися до Ради Безпеки, щоб визначити заходи, які мають бути вжиті).

**Task 9. Change each sentence by choosing an appropriate synonym from the list below for the underlined words. Make the necessary changes if you need. *office, to sit as a full bench, verdict, to be composed of, compulsory, to solve***

1.Themain function of the ICJ is to settle legal disputes between the states.

2.The ICJ consists of 15 judges elected for a 9 years term by the General Assembly and the Security Council.

3.The judgment is final, binding on the parties to a case and without appeal.

4.The Court discharges its duties as a full court.

5.Judges of the ICJ are not able to hold any other post, nor act as counsel.

6.If the judgment is against one of the permanent five members of the Security Council or its allies, any resolution on enforcement would then be vetoed.

**Grammar Review**

**1. Put the verbs in brackets into the correct tense *Past Simple* or *Past Perfect.***

1. When the police (to arrive), the car (to go).

2. George (to finish) doing his homework at eight o’clock.

3. When she (to get) to the shop, it (to close).

4. The train (to leave) when he (to come) to the station.

5. We (to eat) everything by the time he (to arrive) at the party.

6. I (to know) that he (not to learn) the poem.

7. When they (to leave) the beach, the rain already (to start).

8. Arthur (not to know) that we already (to arrive).

9. When I (to come), I (to see) that mother (to cook) dinner.

10. My friend (to study) English before he (to enter) the institute.

11. The car (to go) when I (to look) into the street.

12. He (to take) the decision before I (to come).

13. Nick (return) from office by seven o’clock.

14. We (to get) to the stadium at four o’clock but the game already (to start).

15. She (to come) at six O’clock. 16. I (to think) that my parents already (to return). 17. He (to be sure) that we (not to recognize) him.

18. You (to find) your key which you (to lose) before?

19. Meg (to say) that she (to be) in this city.

20. The doctor (to arrive) when we already (to help) him.

**2. Put the verbs in brackets into the correct tense *Present Perfect, Past Simple, Past Continuous* or *Past Perfect.***

1. They are happy because their child (to enter) the university.

2. It (to be) great to see her last week.

3. Sorry I (not to phone) you earlier.

4. He was very sorry to hear that you (not to come) in time.

5. We hoped they (to get) home before the rain (to start).

6. 1 am glad he already (to return) from his business trip.

7. Whenever I (to drive) past that restaurant, there always (to be) a lot of people.

8. You ever (to be) to an open-air concert?

9. My parents were angry because I (not to pass) my exam.

10. His brother told him that he (to eat) all the fruit which he (to buy).

11. At this time two weeks ago we (to lie) on the beach.

12. Beth (to become) pale when she heard the news.

13. 1 (not to be) impressed with his new car when I (to see) it yesterday.

14. The Aztecs (to be) an American Indian tribe who (to live) in Mexico.

15. Yesterday when I (to look) out of my window, I (to see) that my children (to run) in the garden.

16. I (not to speak) to you since last week.

17. 1 was sure he always (to be) your best friend.

18. Janet never (to take) part in the concerts.

19. When she (to come) home, her son (to have) supper.

20. I (to read) all the articles before mother (to come).

**3. Put the verbs in brackets into the correct tense *Present, Past, Future Simple; Present*, *Past, Future Continuous; Present, Past Perfect.***

1 . I (not to know) what time (to be) now. My watch (to stop).

2. Usually he (to come) home at seven o’clock but yesterday he (to come) at nine.

3. We (not to go) to the theatre next Friday as we (to be), there a week ago.

4. At last we (to stop) working and now we can have a rest.

5. What he (to do) now? — He (to paint) the wall.

6. Yesterday she (to pay) for her ticket and (to leave).

7. Peter (to be) ready in ten minutes. He (to take) a bath at the moment. — If he (not to take) a bath soon, I (to go) for a walk alone.

8. Mary (to clean) the room and John (to make) the dinner.

9. She (to be) surprised now: someone (to put) flowers for her.

10. When we (to warn) them about the danger, they (to leave) the city.

11. My son (to watch) television — his favourite programme (to be) on now.

12. They (to be) in our country for some years I think.

13. Now I (not to be) sure that he (to do) his lessons at four o’clock.

14. Our manager signed the documents and (to go) upstairs.

15. How many times you (to see) him since he went to London?

**Module 6**

**Criminal Law**

**Pre - texts**

*“There is no room for capital punishment in civilized society”*

**Task 1. Read and t**r**ans**l**a**t**e the text*.***

**Criminal Law**

A crime is an act that a legislature has defined as socially harmful. To be found criminally responsible, a person must commit a criminal act and also intend to commit the act. Classifications of crime may depend on the seriousness of the act as determined by the duration of punishment or by the type of social harm the statute intends to prevent or deter. The former classification thus categorizes crimes as felonies and misdemeanors while the latter classification categorizes crimes as offenses against the person and offenses against property.

To be found guilty of a criminal offense, it is not necessary to commit the intended crime. An attempt to commit the crime is punishable as well. However, a person cannot be convicted of an attempt, to commit a crime unless he could have been convicted of the crime itself had his attempt been successful. It is also a criminal offense to work with others toward the commission of a crime. Thus, when two or more people combine to carry out an unlawful purpose, they may be found guilty of conspiracy. Just as the guilt of one party may be imputed to the participants in a conspiracy, the criminal act of an agent, may be imputed to his principal, if the principal shares the agent's intent. When a corporation is involved, the guilt of individual employees may in some circumstances be imputed to the corporation.

Before criminal responsibility can attach, the accused must have intended in some way the criminal consequences of his act. This criminal intent requirement, known as mens rea, is in some instances dispensed with. Many regulatory codes dealing with public health and safety, for example, prescribe that failure to adhere is a criminal violation, irrespective of the violator's intent. There are, however, no precise lines or comprehensive criteria for distinguishing between crimes that require a mental clement and crimes that do not.

The criminal law recognizes certain excuses that may limit, or overcome criminal responsibility. In rare instances, mistake of law may serve as an excuse; more common is ignorance or mistake of fact. The defense of entrapment may also be used to escape criminal responsibility. While the police may employ undercover agents or decoys, they are permitted to use such techniques only to detect criminal activity, not to instigate it. Lack of mental capacity can also operate as a defense to criminal prosecution. Thus, infancy, insanity and intoxication may in some cases serve as an excuse for the commission of a crime.

A criminal prosecution begins when there is probable cause to believe that the accused committed the crime. The accused is then arrested — either with or without a warrant, depending upon the circumstances — and is brought before the magistrate for a preliminary hearing to determine whether there are sufficient grounds to hold the accused for trial. Subsequent to this hearing, the prosecutor must either file an information stating the charge or ask the grand jury for an indictment, a formal declaration of charges. Thereafter, the defendant is arraigned, brought before a judge to enter his plea. If he pleads not guilty, the case goes to trial; if he pleads guilty, the judge will impose a sentence.

The defendant in a criminal case is entitled to certain protections spelled out in the Constitution. These include the right to be free from unreasonable searches and seizures; the prohibition on government against prosecuting a person twice for the same offense (double jeopardy); the right against self-incrimination; the right to a speedy trial; the right to cross examine; the right to counsel; and the prohibition against cruel and unusual punishment.

**Task 2. Read and memorize the active vocabulary to the text *Criminal Law.***

|  |  |
| --- | --- |
| intended crime  conspiracy  to impute  agent, n  intent, n  mens rea  to dispense (with)  to adhere  to precise  excuse, n  to overcome  ignorance  entrapment  undercover  decoy  to instigate  mental capacity  infancy  insanity  warrant  charge  to arraign  seizure  double jeopardy  incrimination | навмисний злочин змова,  конспірація  звинувачувати, ставити за вину  представник, суб’єкт  мета, умисел, намір  вина, злочинний намір  обходитись(без чогось)  дотримуватись,  точний, певний, чіткий  виправдання, відмовка  подолати, усувати  необізнаність, незнання  провокування на злочин  таємний, секретний  пастка, принада  провокувати, підбурювати  розумові здібності,  неповноліття  душевний розлад, неосудність (через  захворювання)  ордер  обов’язок, обвинувачення  притягати до суду, обвинувачувати захват, захоплення, конфіскація подвійна небезпека, ризик обвинувачення, інкримінування |

**Task 3. Answer the following questions.**

1.What is crime?

2.What may classifications of crime depend on?

3.How does the former classification categorize crimes?

4.Is it necessary to commit the intended crime to be found guilty of a criminal offence?

5.Can a person be convicted of an attempt?

6.How may the guilt of one party, an agent, a corporation be imputed?

7.What does the criminal law recognize?

8.What may serve as an excuse for the commission of a crime?

9.When does a criminal prosecution begin?

10.What certain protections spelled out in the Constitution is the defendant entitled to?

**Task 4. Complete the following expressions choosing a suitable preposition from the list below. Translate them into Ukrainian.**

***For, without, of, by, with, on, in***

1. Criminal Law is that part of the law of the land which is concerned ... crimes.

2. A crime, according to the doctrine of the Common Law is made up ... an outward act and the state of mind of the criminal.

3. Sometimes *mens rea* may take the form of negligence or mental inadvertence, as in manslaughter ... neglect.

4. A jury cannot convict ... such evidence alone, for the law does not consider it sufficiently reliable to warrant a conviction.

5. In the United States the distinction between a felony and a misdemeanor lies ... in how it is punishable, not degree of infamy of the offence.

6. An act is said in the criminal law to be done maliciously if is done intentionally ... a just cause ... excuse

**Task 5. Translate the sentences and pay special attention to the underlined words or phrases.**

1. The Constitution of the USA spells out certain protections for the defendant in a criminal case, not to be violated by the governmental agencies.

2. During the arraignment the defendant is free to enter either of the following pleas: a) guilty; b) not guilty; c) insanity; d) double jeopardy; e) no contest.

3. A criminal prosecution begins when the accused is found, or there is probable case to believe that the accused commited the crime.

4. If the jury at a criminal trial is unimpressed by or does not believe the defense of the accused it turns out an unfavorable verdict.

5. The intent to commit a crime by itself and is prosecuted respectively.

**Task 6. Make the following complete by translating the words or phrases in brackets.**

1. A crime consists of two elements (злочинна діяльність) and (вина).

2. There are various definitions of a (злочину) in English literature.

3. Some (злочини, передбачені законом) require no fault at all.

4. Involantary (просте вбивство) is a crime requiring objective fault.

5. Statutory crimes imposing liability without fault include the sale of adulterated food and sale of alcoholic beverages to a (неповнолітньому)

6. Liability will not begin until the offender (скоює протиправну дію).

7. The actus reus must of course (вчинятись навмисно).

**Task 7. Complete the following sentences.**

1. A crime (це дія, яку законодавство визначає як соціально згубну).

2. Сlassifications of crime may depend on (серйозності вчинку, який визначається тривалістю покарання або за типом соціальної шкоди) the statute intends

(відвертати або стримувати).

3. (Бути винним у кримінальному злочині), it is not necessary (вчиняти навмисний злочин).

4. (Оскільки одній зі сторін може ставитись за провину змова учасників), the criminal act of an agent, (може бути представлено організатору ), if the principal shares the agent’s intent.

5. (До того як кримінальна відповідальність може набрати чинності), the accused must have intended in some way (кримінальні наслідки своєї дії).

6. (Захист провокування на злочин з метою його викриття) may also be used to escape (кримінальної відповідальності).

7. (Кримінальне переслідування розпочинається) when there is probable cause to believe that (обвинуваченний скоїв злочин).

**Task 8. Change the sentence by choosing an appropriate synonym from the list below for the underlined words. *An attempt, intended crime, mens rea, dispensed with, defendant, responsible***

1. To be found guilty of a crime, it is not necessary to commit the intended crime

2. To be found criminal liable, a person must commit a criminal act and also intend to commit the act.

3. An endeavour to commit the crime is punishable as well.

4. This criminal intent requirement isn’t in some instances administered by.

5. The accused in a criminal case is entitled to certain prosecutions spelled out in the Constitution.

**Task 9. Choose the correct definition of the legal terms**

*1. Crime*

a) is an act that a legislature has defined as socially harmful;

b) is something your Daddy tells you not to do;

c) is the official interpretation of a socially unacceptable activity.

*2.* *Felonies and misdemeanors*

a) are the classification of crime by the type of social harm the statute intends to prevent;

b) are the classification of crime by the time when it was committed;

c) are the classification of crime by the seriousness of the act.

*3.* *to conspire*

a) is to combine with other people to carry out an unlawful purpose;

b) is to talk to other people about, the possibility of committing an unlawful purpose; c) is to egg on other students to miss the lecture.

*4. Mens rea*

a) is the wrong way of writing the plural of "men";

b) is the premeditation by (he accused, in some way, of the criminal consequences of his act;

c) is the harmful action or failure to carry out one which endangers the safety of other people.

5. *Тhe Defense of Entrapment*

a) is the concept that police may not instigate the crime;

b) is the plea of being framed up by one's own friends (accomplices);

c) is the act of counter entrapment, used by criminals to frame up police officers. *6. Insanity*

a) is the state of being not-particularly sane;

b) is the state when the person does not fully comprehend what he/she is doing;

c) is the one of the pleas based on the lack of mental capacity.

**Supplementary tasks**

**Task 1. Complete the following sentences.**

*Wrongdoer; misdeeds; deterrent; retribution; death penalty; corporal punishment; rehabilitate; reform; barbaric; law-abiding; humane; crime doesn’t pay*

What is the purpose of punishment? One purpose is obviously to\_\_\_\_\_\_ the offender, to correct the offender’s moral attitudes and antisocial behavior and to\_\_\_\_\_\_ him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a \_\_\_\_\_\_ because it warns other people of what will happen if they are tempted to break the law and prevents them from doing so. However, the third purpose of punishment lies, perhaps, in society’s desire for\_\_\_\_\_\_, which basically means revenge. In other words, don’t we feel that a \_\_\_\_\_\_ should suffer for his \_\_\_\_\_\_\_?

The form of punishment should also be considered. On the one hand, some believe that we should ‘make the punishment fit the crime”. Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that \_\_\_\_\_\_ \_\_\_\_\_\_\_ \_\_\_\_\_\_\_. For those who attack others \_\_\_\_\_\_\_ \_\_\_\_\_\_\_ should be used. Murderers should be subject to the principle ‘An eye for an eye and a tooth for a tooth’ and automatically receive the\_\_\_\_\_\_ \_\_\_\_.

On the other hand it is said that such views are unreasonable, cruel and\_\_\_\_\_ and that we should show a more \_\_\_\_\_\_ attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable,\_\_\_\_\_\_\_ life.

**Task 2. Read the text and write down Ukrainian equivalents for the words in bold type.**

Punishment describes the imposition by some authority of **deprivation –** usually painful – on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a **formal process of a accusation and proof** followed by **imposition of a sentence** by a designated official, usually a judge. Informally, any organized group – most typically the family, may punish **perceived wrongdoers.**

Because punishment is both painful and **guilt producing,** its application calls for a justification. In Western culture, four basic justifications have been given: retribution, **deterrence, rehabilitation, and incapacitation.**

Most **penal historians** note a gradual trend over the last centuries toward more **lenient sentences in** Western countries.

**Capital and corporal** punishment, widespread in the early 19th century, are seldom invoked by contemporary society. Indeed, in the United States corporal punishment as such appears to be contrary to the 8th Amendment’s restrictions on cruel and unusual punishment. Yet the rate of imprisonment in the United States appears to be growing. Furthermore, since the middle of the 20th century, popular and professional sentiment has taken a distinctly punitive turn and now tends to see retribution and incapacitation – rather than rehabilitation – as goals of criminal punishment.

Criminal sentences ordinarily embrace four basic **modes of punishment.** In descending order of severity these are: **incarceration, community supervision, fine, and restitution.** The death penalty is now possible only for certain types of **atrocious murders** and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it purposefully inflicts pain. In the minds of most people, however, it continues to find justification.

**Task 3. Read and translate the text. Write down all the unknown words and word combinations. Make up your own sentences with the underlined words.**

***Objectives of Criminal Law***

Criminal law is distinctive for the uniquely serious potential consequences or sanctions for failure to abide by its rules. Every crime is composed of criminal elements. Capital punishment may be imposed in some jurisdictions for the most serious crimes. Physical or corporal punishment may be imposed such as whipping or caning, although these punishments are prohibited in much of the world. Individuals may be incarcerated in prison or jail in a variety of conditions depending on the jurisdiction. Confinement may be solitary. Length of incarceration may vary from a day to life. Government supervision may be imposed, including house arrest, and convicts may be required to conform to particularized guidelines as part of a parole or probation regimen. Fines also may be imposed, seizing money or property from a person convicted of a crime.

Five objectives are widely accepted for enforcement of the criminal law by punishments: retribution, deterrence, incapacitation, rehabilitation and restitution. Jurisdictions differ on the value to be placed on each.

**Retribution** - *Criminals* ought to suffer in some way. This is the most widely seen goal. Criminals have taken improper advantage, or inflicted unfair detriment, upon others and consequently, the criminal law will put criminals at some unpleasant disadvantage to "balance the scales." People submit to the law to receive the right not to be murdered and if people contravene these laws, they surrender the rights granted to them by the law. Thus, one who murders may be murdered himself. A related theory includes the idea of "righting the balance."

**Deterrence** - *Individual* deterrence is aimed toward the specific offender. The aim is to impose a sufficient penalty to discourage the offender from criminal behavior. *General* deterrence aims at society at large. By imposing a penalty on those who commit offenses, other individuals are discouraged from committing those offenses.

**Incapacitation** - Designed simply to keep criminals *away* from society so that the public is protected from their misconduct. This is often achieved through prison sentences today. The death penalty or banishment have served the same purpose.

**Rehabilitation** - Aims at transforming an offender into a valuable member of society. Its primary goal is to prevent further offense by convincing the offender that their conduct was wrong.

**Restitution** - This is a victim-oriented theory of punishment. The goal is to repair, through state authority, any hurt inflicted on the victim by the offender. For example, one who embezzles will be required to repay the amount improperly acquired. Restitution is commonly combined with other main goals of criminal justice and is closely related to concepts in the civil law.

**Grammar Review**

**I. Choose the correct verb form.**

1. I have been ***studying / studied*** law since 1990.

2. How long ***have you been practicing / do you practice*** as a lawyer?

3. Law companies ***use / have been using*** computers to store clients’ cases for ten years.

4. ***We’ve been doing / have done*** business with them for over thirty years now.

5. A client ***has made / has been making*** a complaint about one of our lawyers.

6. A barrister has been ***negotiating / has negotiated*** the settlement since the morning. 7. The State Registration Act has been ***introduced / introducing*** into Ukrainian law. 8. The legal team of Arzinger & Partners ***has been dealing / dealt*** with debt collecting litigations for five years.

**II. Find two possible ways of changing every sentence into Passive Voice.**

**Model**:

*They demonstrated some new films.*

1. We were demonstrated some new films. 2. Some new films were demonstrated to us.

1). We will give a bunch of flowers to our teacher.

). She showed them the way to the railway station.

3). The young actress promised to give us her signature.

4). They offered me a new job in an office.

5). I gave my close friend my favorite book of poetry.

**III. Translate these sentences into English.**

1.Наша країна зацікавлена в тому, щоб мати дружні стосунки з усіма країнами світу.

2. «Я з нетерпінням чекаю зустрічі з моїм адвокатом», сказав містер Браун секретарю, розмовляючи з нею по телефону.

3. Все буде залежати від того, чи приймуть вони запрошення відвідати Європейський Суд з прав людини чи ні.

4. Ми не заперечуємо проти того, щоб розпочати судове слухання.

5. Я знаю, що він дуже досвідчений юрист і до його порад слід прислухатись.

6. Він наполягав на вирішенні цього питання негайно.

**IV. Fill in the blanks with prepositions where necessary.**

1. Much depends \_\_\_ getting him to listen to us.

2. She was engaged \_\_\_ persuading them that the part was too difficult for her.

3. We suspected her \_\_\_ not telling us all she knew but we could not well accuse her \_\_\_ hiding facts.

4. Nothing could prevent her \_\_\_ buying it on the spot.

5. I thanked him again \_\_\_ lending me the car.

6. I don’t like his habit \_\_\_ making people wait.

7. He has come to apologise \_\_\_ causing all that troubles.

**V. Fill in the** *future simple*, **the** *present simple* **or the** *present perfect*.

**A** My car is being repaired and I don’t know when it 1) …*will be…* (be) ready. I doubt whether I 2) ……. (be able to) collect it before the weekend. I wonder if John 3)……(give ) me a lift to the party on Saturday. I’ll ask him when he 4)……(come) home.

**B**  I was calling to ask if you’d like to go out after we 1) …(finish) work tomorrow or if you 2)…… (want) to watch a video instead. Call me back as soon as you 3)… (get) in. I’ll wait until I 4) …… (hear) from you.

**C** I will leave the hotel early in case there 1) ….. (be) a lot of traffic. I don’t know how long the journey 2) …… (take) or what time the plane 3) ……. (land), but I 4) ……(call) you as soon as I 5) ……. (arrive) at the airport. Then I will wait until you 6) ……(come) to collect me.

**D** Paula is drinking tea as she is waiting for Charles. She wonders if he 1…….(be) late as usual. She will wait until the clock 2) …… (strike) five and then she will call him in case he 3) ………. (forget).

**Список неправильних дієслів в англійській мові**

|  |  |  |  |
| --- | --- | --- | --- |
| **Дієслово на українській Verb in Ukrainian** | **Неозначена форма Simple  (В алфавітному порядку)** | **Просте минуле Past Simple** | **Причастие II  Past participle** |
| перебувати, терпіти, дотримуватися | abide | abode (abided) | abode (abided) |
| бути | be | was/were | been |
| нести, народжувати | bear | bore | born |
| бити | beat | beat | beaten |
| становитися | become | became | become |
| починати | begin | began | begun |
| гнути | bend | bent | bent |
| тримати парі | bet | bet | bet |
| пропонувати ціну | bid | bade/bid | bidden/bid |
| кусатися | bite | bit | bitten |
| кровоточити | bleed | bled | bled |
| дути | blow | blew | blown |
| ламати | break | broke | broken |
| приносити | bring | brought | brought |
| будувати | build | built | built |
| горіти, палити | burn | burnt (burned) | burnt (burned) |
| вибухати | burst | burst (bursted) | burst (bursted) |
| купувати | buy | bought | bought |
| кидати, проводити кастинг | cast | cast | cast |
| ловити | catch | caught | caught |
| вибирати | choose | chose | chosen |
| приходити | come | came | come |
| коштувати | cost | cost | cost |
| повзти | creep | crept | crept |
| різати | cut | cut | cut |
| (по) сміти | dare | durst (dared) | dared |
| вести справи | deal | dealt | dealt |
| копати | dig | dug | dug |
| робити | do | did | done |
| малювати, тягнути | draw | drew | drawn |
| пити | drink | drank | drunk |
| водити автомобіль | drive | drove | driven |
| мешкати, зупинятися | dwell | dwelt | dwelt |
| їсти | eat | ate | eaten |
| падати | fall | fell | fallen |
| годувати | feed | fed | fed |
| відчувати | feel | felt | felt |
| боротися | fight | fought | fought |
| находити | find | found | found |
| втекти | flee | fled | fled |
| літати | fly | flew | flown |
| забороняти | forbid | forbade | forbidden |
| забувати | forget | forgot | forgotten |
| пробачити | forgive | forgave | forgiven |
| заморожувати | freeze | froze | frozen |
| отримувати | get | got | got (gotten) |
| давати | give | gave | given |
| йти | go | went | gone |
| точити, молоти | grind | ground | ground |
| зростати | grow | grew | grown |
| висіти | hang | hung | hung |
| мати | have / has | had | had |
| чути | hear | heard | heard |
| ховати | hide | hid | hidden |
| потрапляти, ударяти | hit | hit | hit |
| тримати | hold | held | held |
| заподіювати біль | hurt | hurt | hurt |
| містити, підтримувати | keep | kept | kept |
| знати | know | knew | known |
| класти, стелити | lay | laid | laid |
| вести, лідирувати | lead | led | led |
| вчитися, дізнаватися | learn | learnt (learned) | learnt (learned) |
| залишати | leave | left | left |
| давати в позики | lend | lent | lent |
| дозволяти | let | let | let |
| лежати | lie | lay | lain |
| запалювати, освітлювати | light | lit | lit |
| втрачати | lose | lost | lost |
| робити, майструвати | make | made | made |
| значити | mean | meant | meant |
| зустрічати, знайомитися | meet | met | met |
| косити | mow | mowed | mown |
| платити | pay | paid | paid |
| класти, ставити | put | put | put |
| читати | read | read | read |
| їздити верхи | ride | rode | ridden |
| дзвонити | ring | rang | rung |
| сходити, підніматися | rise | rose | risen |
| бігти | run | ran | run |
| сказати | say | said | said |
| бачити | see | saw | seen |
| шукати | seek | sought | sought |
| продавати | sell | sold | sold |
| посилати | send | sent | sent |
| садити,встановлювати | set | set | set |
| шити | sew | sewed | sewn (sewed) |
| трясти | shake | shook | shaken |
| проливати | shed | shed | shed |
| світити, сяяти | shine | shone | shone |
| стріляти | shoot | shot | shot |
| показувати | show | showed | shown |
| стискатися | shrink | shrank | shrunk |
| закривати, зачиняти | shut | shut | shut |
| співати | sing | sang | sung |
| занурюватися, опускатися | sink | sank | sunk |
| сидіти | sit | sat | sat |
| спати | sleep | slept | slept |
| ковзати | slide | slid | slid |
| пахнути, нюхати | smell | smelt | smelt |
| розбити, убити | smite | smote | smitten |
| говорити | speak | spoke | spoken |
| мчати | speed | sped (speeded) | sped (speeded) |
| читати по буквах | spell | spelt (spelled) | spelt (spelled) |
| тратити, проводити | spend | spent | spent |
| розлити | spill | spilt (spilled) | spilt (spilled) |
| крутити, прясти | spin | spun | spun |
| плювати | spit | spat | spat |
| розділяти, розколювати | split | split | split |
| псувати | spoil | spoilt (spoiled) | spoilt (spoiled) |
| розгорнути, поширювати | spread | spread | spread |
| стрибати, скакати | spring | sprang | sprung |
| стояти | stand | stood | stood |
| красти | steal | stole | stolen |
| встромляти,приліпити | stick | stuck | stuck |
| жалити | sting | stung | stung |
| смердіти | stink | stank | stunk |
| страйкувати, ударяти | strike | struck | struck |
| нанизати, натягнути | string | strung | strung |
| клястися, лаятися | swear | swore | sworn |
| підмітати | sweep | swept | swept |
| плавати | swim | swam | swum |
| качати | swing | swung | swung |
| брати | take | took | taken |
| навчати | teach | taught | taught |
| рвати | tear | tore | torn |
| розповідати | tell | told | told |
| думати | think | thought | thought |
| кидати | throw | threw | thrown |
| штовхнути, сунути | thrust | thrust | thrust |
| розуміти | understand | understood | understood |
| перекинути, засмутитися | upset | upset | upset |
| будити | wake | woke | woken |
| носити, одягати | wear | wore | worn |
| ткати | weave | wove | woven |
| плакати, пітніти | weep | wept | wept |
| перемагати | win | won | won |
| заводити годинник, намотувати | wind | wound | wound |
| писати | write | wrote | written |

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